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*of* America

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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRSTSESSION

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# *House of Representatives*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*April 21, 2005.*

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

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

## PRAYER

Bishop Vicken Aykazian, The Armenian Church of America, offered the following prayer:

Lord God of creation, we ask Your blessing on the men and women gathered here today, all of whom labor in the cause of liberty and justice for the people of this great Nation.

We pray that You will inspire our leaders with wisdom, compassion, and resolution in the face of evil. In a time of uncertainty across our world, Lord, we seek above all to know and perform Your will. We pray that You will remember the precious sacrifices made in the name of liberty, that You will shepherd the downtrodden out of the darkness of tyranny, and that You will steer our entire world to a new dawn of peace and dignity, for all Your children.

We are aware, Lord, of the solemn occasion approaching us this week marking the 90th anniversary of the Armenian genocide. Even after four generations, the effects of that terrible episode are still felt. We ask You to grant rest to the souls of all whose lives were taken and bestow Your peace on their descendants.

Finally, Lord, we thank You for the bounty and liberty of this great country of America. Bless this land and her people, so that America may continue to be the great beacon of hope to our world.

For all of these blessings, may Your Name be praised from generation to generation. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Nevada (Ms. BERKLEY) come forward and lead the House in the Pledge of Allegiance.

Ms. BERKLEY 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 PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute requests per side.

## HONORING KENNETH SCHERMERHORN

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

Mrs. BLACKBURN. Madam Speaker, on Monday, April 18, 2005, Tennessee lost legendary Nashville Symphony Orchestra conductor, Maestro Kenneth Schermerhorn. For more than 2 decades as music director and principal conductor, he led the Nashville Symphony not only to national recognition but to international acclaim.

With astounding talent, Schermerhorn was not simply a metronome leading musicians through a musical score; rather, he gave life to the music he so clearly loved. He enriched the lives of thousands of adults and children in middle Tennessee, and he brought the joy of music to communities around the globe. He truly was a dear friend to so many Tennesseans and an inspirational leader to those of us who served on the symphony board.

It is with deep sorrow that I join music lovers in my State and in countries around the world to mourn the loss of our gifted friend. Our thoughts and prayers are with his family.

## RISING GAS PRICES

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

Mr. ROSS. Madam Speaker, gas prices are rising at alarming rates across the country, and these costs are hurting America's working families. The average price of a gallon of gas in Arkansas is $2.11, up from $1.72 just a year ago. That is a 22.6 percent increase. This high cost not only affects our overall economy but also directly impacts individual families, seniors, and farm families. Our farm families are facing higher overhead costs and family vacations are being canceled for many working families.

Americans deserve more. They deserve to know why the cost of gas is skyrocketing. More importantly, Americans deserve a solution. We must reduce our Nation's dependence on foreign oil.

FILIBUSTERS PART OF THE DEMOCRATS' CYNICAL CAMPAIGN OF OBSTRUCTION

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

Mr. PITTS. Madam Speaker, Senate Democrats are blocking votes on qualified judicial nominees. Each of these nominees would receive the majority support of most Senators in a vote. So it was interesting when Democrats say exposing these obstructionist tactics is un-American, in the words of one Senator.

The fact is Democrats oppose these judges because they support judges who say the Ten Commandments, the Pledge, and prayer in public are illegal. They support judges who have no fear of legislating from the bench. They oppose judges who share the same values as most of America. But they do not want people to know that. They would rather keep that all under wraps.

But there is a growing voice in this country that is calling them out. Senate Democrats and their liberal allies at the ACLU and People for the American Way have declared people of faith ineligible to serve on the Federal bench. This strategy represents the worst that our Nation's leaders have to offer, using religious conviction as an excuse for obstructionism in the Senate. It is all part of a cynical campaign of obstructionism.

THE ENERGY POLICY ACT

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

Ms. BERKLEY. Madam Speaker, now is the time to create an energy plan to wean this country from its reliance on foreign oil and to harness renewable energy sources. It is not the time to line the pockets of the special interests. This Congress should be developing a long-term energy policy that will make this Nation energy independent by utilizing 21st-century technology, not propping up obsolete energy sources guaranteed to continue this Nation's reliance on the oil, gas, and nuclear industries.

We should be putting our resources into the research and development of renewable energy, harness the sun, wind, geothermal. At a time when oil companies are reaping record profits, the Republican energy bill will give 93 percent of the subsidies in this bill to the oil, gas, and nuclear industries and chump change for research and development of renewable energy. It boggles my mind that at a time of record prices for gasoline, we are doing absolutely nothing in this bill to reduce gas prices. This debacle of a Republican bill will actually increase gas prices by 3 cents on the gallon.

I am appalled that we would spend one cent more on nuclear energy when we have no solution to the nuclear waste problem. We continue to lavish billions of dollars on the nuclear industry when we have no safe way to store the waste. I hope that we defeat this ridiculous piece of legislation.

HOUSE ETHICS

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

Mr. MCHENRY. Madam Speaker, yesterday the Democrat leadership in the House of Representatives rejected compromise to organize the House Ethics Committee. They rejected reasonable compromise because they want to use the ethics process for partisan political purposes. It is time to say enough is enough. The Democrat leadership must work with the Republican leadership so we can move this House forward. Reasonable Democrats on the other side of the aisle need to call off the dogs, need to say enough is enough with their Democrat whip and their Democrat leader and say, Come to the table. Let's organize. Let's move forward. Let's quit these baseless, partisan attacks on our Republican leader, TOM DELAY. Let's move forward. Let's move forward together as a House.

But, no, they reject that because they want to use the ethics process for partisan political gain. It is not about ethics to them. It is about partisanship. It is not about doing what is right. It is about using it for electoral gain, and it is not going to work. Enough is enough. Reasonable Democrats, come to the table. Let us work through this process and move this House forward.

HOUSE ETHICS

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

Mr. PALLONE. Madam Speaker, since the beginning of the year, the House Republican leadership has worked to undermine the ethics process here in the House. First, the leadership floated an ethics proposal that would have allowed members of its leadership to continue to serve in leadership if they were indicted. Now under the weakened rules, the new chairman of the committee says he will conduct an investigation of one of the Republican leaders.

The American people should not be fooled. The leadership rushed through a new rule that ends ethics complaints after 45 days. And then the Republican leadership purged the committee of three members who were not always willing to toe the party line. And then they replaced them with party loyalists.

The Republican majority has weakened the ethics rules to the point that they are meaningless. The Republican leaders have gone to extreme lengths to protect one of their own. And now they are trying to deceive the American people into believing that a real investigation would actually take place.

That is a farce.

PRAISING DAVID MCMILLON'S ACADEMIC ACCOMPLISHMENT

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

Mr. BOOZMAN. Madam Speaker, I rise today to praise Bentonville High School senior David McMillon for his academic excellence.

When David was in the 10th grade, he scored a 35 on the ACT exam, just one point shy of a perfect score. That excellent score was 14 points higher than the national average. Now a senior, David took the test again, and this time managed to best his previous accomplishment by achieving a perfect score.

David was one of only 17 students who took the ACT last December to get a perfect score. It is quite an elite group when you consider that over 371,000 students across the country took this test last December. And David achieved this honor while serving as captain of the school's ACE team, earning the distinction of National Merit Finalist, and playing the lead in several Bentonville High School drama productions.

Madam Speaker, David McMillon should be praised for this accomplishment. This talented young Arkansan has a bright future ahead of him, and I congratulate him again on this accomplishment.

COSPONSOR THE GAS PRICE SPIKE ACT OF 2005

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

Mr. KUCINICH. Madam Speaker, all over this country, the American people are troubled by the fast increasing price of gasoline. The oil companies are making billions of dollars in windfall profits while families have had to tighten their budget. While families have experienced less money for food, clothing, shelter and education, the oil companies continue to rake the American consumer over the coals. The fastest way to bring relief from these high prices is to eliminate the price gouging by the oil companies and reduce demand.

I have submitted a bill called the Gas Price Spike Act of 2005, which will discourage price gouging and reduce demand by implementing, first, a windfall profits tax on gasoline and diesel. Such a tax is to be imposed on key oil industry profits that are above a reasonable rate of return. If the oil companies are collecting excessive profits, they should be subject to a stiff tax on those excessive profits.

It is time to stand up for the American consumers and take on these oil companies.

□ 1015

## INTEGRATED HEALTH CARE

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

Mr. MURPHY. Madam Speaker, study after study associates untreated depression with increased rates of chronic illness and increased health care costs. For cancer, heart disease, asthma, arthritis, diabetes the incidence of depression can be double that of the general population. Untreated depression complicates treatment and can double health care costs. Untreated depression can cost employers $51 billion per year.

Depression management programs, however, can save employers an average of $2,600 per employee through increased productivity and reduced absenteeism.

The time has come to improve health care by integrating and coordinating medical and mental health services for more effective diagnosis and treatment.

Rather than just cut the payments for health care, Congress can lead the way to saving lives and money through integrated care. Science supports this, and I look forward to working with my colleagues to transform our health care system through innovation, information, and incentives to lower health care costs for every American. I ask my colleagues to learn more about integrated care by visiting my website at Murphy.house.gov.

## THE ENERGY BILL

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

Ms. LEE. Madam Speaker, today we will vote on the energy bill, written by and for the energy industry in secret meetings with Vice President CHENEY.

Tomorrow is Earth Day, and the theme this year is ''Protect our children and our future.'' Is this how the Republican Congress envisions celebrating Earth Day and protecting our children and the future?

This bill will pollute our air at a time when childhood asthma rates are growing. It exempts MBTE producers from poisoning our water and keeps us dependent on foreign oil. This environmentally irresponsible bill offers over $37 billion in tax breaks and subsidies to oil, coal, and nuclear power industries.

The energy industry does not need this money. In 2004 the profits of the top 10 oil and gas companies jumped by more than 30 percent.

The Republican Congress and the administration continue to prioritize short-term corporate profits over long-term health and safety of our children and our earth. We should be protecting our children, our future, and this planet. This energy bill destroys our environment. It is a danger to public health. It forces consumers to pay more for gas and keeps us dependent on foreign oil.

## GENERAL LEAVE

Mr. BARTON of Texas. Madam 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.R. 6.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from Texas?

There was no objection.

## ENERGY POLICY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 219 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 1018

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, with Mr. BONILLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday April 20, 2005, amendment No. 14 printed in House report 109–49 offered by the gentlewoman from California (Ms. SOLIS) had been disposed of.

REQUEST TO OFFER AMENDMENT

Mrs. CAPPS. Mr. Chairman, pursuant to clause 11 of rule XVIII, I offer an amendment that will strike an unfunded mandate in section 1502.

The Acting CHAIRMAN. The Chair will respond momentarily.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Texas is recognized.

Mr. BARTON of Texas. My parliamentary inquiry is that that is not an amendment that we knew and precleared under the Committee on Rules.

The Acting CHAIRMAN. Will the gentleman withhold his parliamentary inquiry?

Mr. BARTON of Texas. I will be happy to, Mr. Chairman.

The Acting CHAIRMAN. Will the gentlewoman consider withholding her motion at this time and perhaps bringing it up a little later?

Mrs. CAPPS. Mr. Chairman, could we discuss this, please?

The Acting CHAIRMAN. Bringing up the motion at a later time would be perfectly acceptable and would give the Chair an opportunity to evaluate the situation.

Mrs. CAPPS. Mr. Chairman, I am willing to withhold the amendment without prejudice to give us time for discussion.

The Acting CHAIRMAN. The amendment is withheld without prejudice.

It is now in order to consider amendment No. 15 printed in House report 109–49.

AMENDMENT NO. 15 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. UDALL of New Mexico:

Strike section 631 (and amend the table of contents accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New Mexico (Mr. UDALL) and the gentleman from Texas (Mr. BARTON) each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

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

I would like to first thank the Committee on Rules and the gentleman from California (Chairman DREIER) for making my amendment in order. My amendment strikes section 631 of this legislation. Section 631 is typical of this flawed, shortsighted energy bill, which does not give us a national energy policy and does not help consumers with high gas prices.

Section 631 is a $30 million giveaway to dangerous uranium mine technology. It is unsound fiscal policy for an unproven type of mining. Furthermore, this $30 million giveaway will encourage a company to pollute the groundwater of a community of 10,000 Navajo Indians.

At its worst, this section targets a minority community with a dangerous technology and uses them in an experiment. At best, it is an unwarranted giveaway to the uranium mining industry.

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. The Udall amendment would strike from the energy bill all funding for research and development into environmentally sensitive uranium mining and reclamation technologies.

Uranium mining is necessary for the production of enriched uranium that is necessary to create nuclear fuel used in nuclear power plants. The bill before us today paves the way for an expansion of the domestic nuclear industry, and we need to authorize funding to develop more environmentally sensitive uranium technologies to feed the growing demand for nuclear power.

Section 631 of the bill creates a uranium mining research and development

program to improve uranium mining technologies. This important funding supports advanced uranium mining technologies that can allow mining operations to be conducted with greater environmental sensitivity. Section 631 would also authorize funds for the development of new environmental cleanup technologies for the remediation of closed uranium mines.

Nuclear power is here to stay, and we need to support a strong domestic uranium industry. Section 631 provides funding for environmentally sensible uranium mining to support a growing nuclear industry.

With respect to the gentleman from New Mexico's (Mr. UDALL) specific concerns for uranium mining issues in his home State, I would like to point out the provision specifically excludes New Mexico from receiving any funding under this provision. So I am not sure exactly what his objection could be at this point, at least with respect to his home State.

I would encourage my colleagues to vote against the Udall amendment.

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

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

With all due respect to the chairman, he claims that this section excludes New Mexico. I have a memo here from the Congressional Research Service that reads as follows: ''The proposed statutory language, section 631, does not appear to prohibit precisely the same sorts of projects envisioned by section 631 from occurring within New Mexico. This statute, section 631, even appears to permit the Department of Energy to fund these types of programs in New Mexico so long as there are alternative available sources of Federal funding that can be utilized.''

Also, I would point out funds are fungible. This $30 million could end up and free up funds committed elsewhere. A company can use the now freed-up money to mine in New Mexico. Thus, this subsidy would indirectly facilitate uranium mining in Navajo communities.

This has broader communications than just for my State. We should not be experimenting in communities' water supply anywhere. My amendment protects all communities near uranium mines from potentially having their water supplies polluted.

Section 631 also has very serious fiscal concerns. This proposed subsidy would lead to even further unsound policy. At a time of skyrocketing Federal deficits and in an uncertain economic future, we should not be giving away $30 million to the uranium industry. We have too many priorities that are not being met because of policies like this subsidy.

Taxpayers for Common Sense views this as an unfair corporate giveaway. We do not need more of this type of uranium development. Promoting this type of development does not safely provide new energy sources; instead, it increases the potential for drastically harming the environment and causing potential harm to thousands.

The case, Mr. Chairman, for this amendment is strong. This is corporate welfare, pure and simple. It is unwise use of taxpayer dollars and dangerous to my constituents. My amendment can prevent the potential damage this provision can inflict on the health of thousands of Native Americans. But as I stated earlier, this provision has implications to far more communities than in my district. The potential long-term damage this section could inflict on the environment is also immeasurable.

I ask my colleagues to take a close look at this and consider whether or not they would want this type of dangerous mining occurring in the neighborhoods of their constituents. I urge my colleagues to support my amendment, stop corporate welfare, help protect the health of Native Americans and help protect the environment.

In closing, I ask to include for the RECORD this list of organizations that are supporting my amendment to demonstrate the broad support we received from both New Mexico and nationally.

SUPPORTERS OF THE UDALL AMENDMENT

Taxpayers for Common Sense
Natural Resources Defense Council
US PIRG
National Environmental Trust
Friends of the Earth
Public Citizen
Sierra Club
Navajo Nation
Southwest Research and Information Center
New Mexico Environmental Law Center
Eastern Navajo Dine Against Uranium Mining (ENDAUM)

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THE NAVAJO NATION,
*Washington, DC, April 20, 2005.*

Hon. TOM UDALL,
*House of Representatives, Longworth House Office Building, Washington, DC.*

DEAR CONGRESSMAN UDALL: As the Executive Director of the Navajo Nation Washington Office, representing the Navajo Nation in Washington, DC, I wish to express strong opposition to any attempt to reopen the Navajo Nation to uranium mining. Section 631 of H.R. 6, the Energy Policy Act of 2005, would create a $30 million subsidy for the domestic uranium mining industry over three years to ''identify, test, and develop improved in situ leaching mining technologies.'' While proponents of in situ leach mining contend that this type of mining poses a low risk to groundwater contamination, the fact remains that the technology is unproven and the possibility of environmental restoration is inconclusive.

The history of uranium mining on the Navajo Nation is painful. Many Navajo People have died or suffered the painful effects from uranium exposure through contaminated air, water, and livestock. To this day, the Navajo Nation continues to work with the United States government to address the harmful physical, emotional, and financial hardships Navajo families continue to endure because of past uranium activity.

The Dine' will not tolerate the risk of being exposed to uranium again. It is important to note that the proposed legislation would not only threaten the health of the Navajo People, but also threatens the Navajo Aquifer, which provides the entire region with uncontaminated drinking water. The proposed sites for the uranium leaching would be Church Rock and Crownpoint, New Mexico, located 90 miles from Albuquerque. This area is also home to approximately 15,000 people, and thousands more non-Navajos who could soon be effected by possible uranium exposure.

For the sake of the health and safety of the Navajo People, and the non-Navajo communities surrounding the Navajo Nation, I support your proposed amendment to remove Section 631 from H.R. 6. Thank you for your attention to this urgent matter.

Sincerely,
SHARON CLAHCHISCHILLIAGE,
*Executive Director, Navajo Nation Washington Office.*

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EASTERN NAVAJO DINÉ AGAINST URANIUM MINING,
*Crownpoint, NM, April 20, 2005.*

DEAR REPRESENTATIVE: Eastern Navajo Diné Against Uranium Mining (ENDAUM)—a Navajo citizens group that has been trying to stop a uranium solution mining project in two Diné communities in New Mexico for more than 10 years—urges you to support the Udall Amendment to the Energy Policy Act of 2005 (H.R. 6). The Udall Amendment strikes Section 631, which authorizes a $30 million dollar subsidy to companies using the in situ leach (ISL), or solution mining, method to extract uranium. This unnecessary act of corporate welfare could indirectly facilitate uranium mining in Navajo communities that don't want it and on a sovereign American Indian nation that just this week enacted a statutory ban on uranium mining and processing.

Since 1995, ENDAUM and other groups have mounted a legal challenge to the Nuclear Regulatory Commission's licensing of Hydro Resources Inc.'s Crownpoint Uranium Project. ENDAUM believes that solution mining at four sites in Church Rock and Crownpoint, New Mexico, will contaminate the regional aquifer that provides the only source of drinking water for an estimated 15,000 people.

Even though Section 631 contains a limitation that bars the Department of Energy (DOE) from awarding any of the $30 million in grants for ''restoration demonstration projects'' located in New Mexico, ENDAUM fears that the provision, if enacted, could fund HRI's parent company, Uranium Resources, Inc. (URI). URI, which is based in Texas and operates three ISL mines there, qualifies for the DOE grants under language in Section 631. ENDAUM fears that should URI receive a DOE grant to be used at its Texas mines, it would free up cash to fund HRI's defense of its NRC license and eventually to construct the proposed ISL mines in Church Rock and Crownpoint.

Since the early 1950s, many Navajo communities including Church Rock have dealt with the devastating impacts of uranium mining on the health of workers and community members and the environment. This 50-year legacy was one of the principal reasons cited by the Navajo Nation Council when it voted 63–19 on April 19 to adopt the Diné Natural Resources Protection Act of 2005, which created Navajo Nation law banning uranium mining and processing, including ISL mining.

Congress has a responsibility to pass energy policy that promotes development of sustainable and renewable energy sources while protecting the environment and public health and respecting the sovereignty of Native American tribes. ISL mining in a currently used drinking water aquifer in Navajo communities is inimical to these objectives and is opposed not only be the overwhelming

majority of people in the area, but also by the Navajo Nation government. Again, ENDAUM urges you to support the Udall Amendment to strike from the Energy Policy Act of 2005 the $30 million subsidy to the uranium mining industry.

Sincerely,

LYNNEA SMITH,
*Project Specialist.*

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TAXPAYERS FOR COMMON SENSE ACTION,

STOP URANIUM SUBSIDIES FROM FOULING UP THE ENERGY BILL

SUPPORT THE UDALL AMENDMENT

DEAR REPRESENTATIVE: We urge you to support Representative Tom Udall's amendment to strike Section 631 from H.R. 6, the Energy Policy Act of 2005. We are deeply concerned with this provision, which gives a $30 million handout to the uranium industry, and we will consider including your vote on the Udall amendment on our annual scorecards.

Section 631 authorizes $30 million in federal spending to aid the uranium industry's efforts to develop in situ leaching mining technology. This unnecessary act of corporate welfare subsidizes a mature industry that has existed in the United States for more than half a century, and does not need the government to hold its hand any longer. The U.S. already has an ample supply of uranium, and does not need to spend hard-earned taxpayer dollars to scour for new sources.

The 50-year-old nuclear industry has benefited from cradle-to-grave subsidization for too long. These subsidies distort price signals and undermine the natural market forces of the energy industry. Section 631 is yet another example of the government's wasteful support of nuclear power, an industry that cannot survive on its own.

This $89 billion energy bill is ballooning in cost, and at a time of unprecedented deficits it is the taxpayers of the next generation that will foot the bill. We urge you to oppose the energy bill, and to demonstrate your commitment to fiscal responsibility by supporting the Udall amendment. If you would like any more information, please contact Evan Berger at (202) 546–8500x111.

Sincerely,

JILL LANCELOT,
*President/Co-founder.*

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is only a page amendment, section 631. It authorizes $10 million each year for 2006, 2007, 2008.

□ 1030

It would create cooperative cost-sharing agreements between the Department of Energy and the domestic uranium producers, and these cost-sharing agreements would be competitively selected demonstration projects. So it is a 3-year $10 million per-year, openly competed demonstration program to try to find new ways to improve mining technologies with the appropriate environmental restoration technologies.

But the part that I want to read into the RECORD is, and I have great respect for the Congressional Research Service, but it very plainly states in section C of section 631, and I am going to read this verbatim: ''Limitation. No activities funded under this section may be carried out in the State of New Mexico.''

That is the plain language of the section: ''No activities funded under this section may be carried out in the State of New Mexico.''

Now, the gentleman from New Mexico has every right to offer an amendment to strip the section if he has some concerns generically about its impact nationally; but if he has any concern about this program being used in his home State, it is not going to happen, because it very clearly states in this amendment, this section C of the section 631, it cannot happen.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, the Congressional Research Service was specifically asked the question, and there is absolutely no doubt. I read it into the RECORD. It is there.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, with all due respect, this bill came out of my committee. I mean, read it. Would I put something in there or approve something, or is there some secret language, some code word that the gentleman and I, either one, do not know? ''No activities funded under this section may be carried out in the State of New Mexico.'' Boom.

Now, I am not saying the Congressional Research Service did not tell the gentleman what he read in the RECORD. The gentleman is an honest man, but this is the bill. I mean, the gentleman understands that. Sure.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. HALL), to close.

The Acting CHAIRMAN (Mr. BONILLA). The gentleman from Texas (Mr. BARTON) has 1½ minutes remaining.

Mr. HALL. Mr. Chairman, like so many times when I stand up here, I am very fond of the author of the amendment, but I do not like the amendment. The name of Udall is almost a sacred name in the West.

The salient part of this bill, I think of this entire bill, that the gentleman from Texas (Chairman BARTON) has brought to us and we have passed through committee and subcommittee, is that it covers waterfront, and that means that we need all energy sources. This is just another of the sources that we pool together.

I think assuring reliable, economical, and environmentally sensitive domestic uranium mining industry is essential to be a part of this bill and to carry out and make the fullness of the bill.

As the gentleman from Texas (Chairman BARTON) pointed out, section 631 of the bill reported by the House Committee on Energy and Commerce, I do not know how many votes were against it, but the committee authorizes a modest research and development program; it is $10 million a year over a 3-year period. I think they have allocated the money out according to the good it will do. This program would be cost-shared, and it is consistent with far larger programs for other electricity generation. It makes no sense to eliminate this important funding and forego opportunities for this.

For all of these reasons, I oppose the Udall amendment.

Mr. BURGESS. Mr. Chairman, I rise this morning in opposition to the Udall amendment.

The Udall amendment will strike Section 631, which provides R&D funding for environmentally sensitive uranium mining and reclamation.

Nuclear power is an important part of our domestic fuel mix. It is an emission-free source of electricity that powers our homes and businesses. Today, nuclear power provides 20 percent of power in the United States.

As our economy continues to grow, we will consume more electricity. I think we can all agree that a healthy, robust economy is a desirable thing. Clean air is also desirable.

Nuclear power will help provide the electricity that our growing economy needs without increasing emissions. This is truly an environmentally responsible source of energy.

Section 631 will encourage improvements to uranium mining practices to make them more environmentally friendly. It encourages new environmental clean-up technologies as well.

Nuclear power is here to stay, and we need to support a strong domestic uranium industry.

We are at a point in our Nation's history where we cannot afford to turn our back on any reasonable power source to meet our Nation's energy needs.

I urge my colleagues to vote against the Udall amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

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

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico (Mr. UDALL) will be postponed.

It is now in order to consider amendment No. 16 printed in House Report 109–49.

AMENDMENT NO. 16 OFFERED BY MR. FORD

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. FORD:

In title VII, subtitle B, part 1, add at the end the following new section:

**SEC. 713. EFFICIENT HYBRID AND ADVANCED DIESEL VEHICLES.**

(a) PROGRAM.—The Administrator of the Environmental Protection Agency shall establish a program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles. The program shall

include grants to domestic automobile manufacturers to—

(1) encourage production of efficient hybrid and advanced diesel vehicles; and

(2) provide consumer incentives, including discounts and rebates, for the purchase of efficient hybrid and advanced diesel vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for carrying out this section $300,000,000 for each of the fiscal years 2006 through 2015.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Tennessee (Mr. FORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. FORD).

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

I rise in support of this amendment, which is very simple. We increase funding for research and development of hybrid vehicles. Namely, the amendment would create a $3 billion program over the next 10 years to provide incentives for car manufacturers to dramatically increase their production of hybrid and advanced diesel vehicles, and for consumers as well, Mr. Chairman, to purchase those vehicles at a discount and get them on the road as quickly as possible.

I would turn my attention, and I will be glad to yield at any time to the gentleman from Texas (Mr. BARTON) if he has a question.

I would point my colleagues' attention to two things. H.R. 6 makes every effort to address our dependence on foreign oil. However, 93 percent of the tax credits of the bill go to producers of traditional sources of energy, oil, gas and otherwise, compared to only about 6 percent for renewable sources of energy and energy efficiency.

This small amount that would go towards the development of hybrid vehicles would allow us to do two or three things right away, Mr. Chairman: first, to increase our fuel standards without addressing some of the more controversial ways that came up on the floor yesterday involving CAFE standards and increases there. It is known that a midsized hybrid SUV gets 31 percent better gas mileage than its conventional counterpart. And the ''greener'' hybrids, Mr. Chairman, can increase fuel efficiency by 85 percent.

A hybrid Honda Insight is rated at 61 miles per gallon in the city and 70 miles per gallon on the highway. A comparable traditional Honda Civic gets just 32 miles per gallon in the city and 37 miles per gallon on the highway.

I need not explain to those in my home district of Memphis who are paying an average of $2.15 cents a gallon that we need better fuel efficiency, not only for our pocketbooks and our wallets but also for our air and our environment.

In addition, if indeed we were to travel this route and provide these incentives, Mr. Chairman, not only would we enjoy a net savings at the pump, but we would also enjoy a net increase in jobs estimated, according to the Union of Concerned Scientists, by some 182,000 new jobs in the service, finance, insurance, manufacturing, and retail industries.

The second point I would make before yielding is that there have been questions raised by those in the automotive industry regarding how would we define a company that manufactures or assembles vehicles, or a domestic manufacturer. I would be more than willing to work with those in conference, but my intent is clear. Any company that manufactures or assembles vehicles in the United States would be covered under this amendment, meaning those at the Nissan plant in Smyrna, Tennessee, and those at the Saturn plant in Spring Hill, Tennessee, would be covered and protected.

Last, Mr. Chairman, this bill also seeks to promote research and development of advanced diesel engines, which would help companies to develop the next generation of cleaner, more energy-efficient trucks. This means that companies like Peterbilt and even Averitt Express in my home State of Tennessee would benefit from the program as well.

Finally, the program would also assist companies like the largest employer in my district and State, FedEx. For those of my colleagues who do not know, they are a little package delivery company in Memphis, which plans to introduce 75 new hybrid diesel-electric trucks into service nationwide in the next 12 months. These trucks are being built by a consortium of companies, including the Eaton Corporation and Freightliner.

In closing, Mr. Chairman, this is a good solid amendment. It is one that has no partisan stripes, only an effort to help clean up the environment, find ways to reduce our dependence on foreign oil, and create good old American jobs here in this country.

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

Mr. BARTON of Texas. Mr. Chairman, I claim the time in opposition, although I am actually supportive of the amendment, but I had to apparently say I was opposed to get the time, and I yield myself such time as I may consume.

Mr. Chairman, this is a good amendment. It adds to the bill. The gentleman from Arizona (Mr. SHADEGG) offered a similar amendment in markup that was adopted. This goes further and establishes the program at the EPA. The only concern, well, not concern, but I need to let the distinguished gentleman from Tennessee know that this authorizes the program, it does not appropriate the funds, and it would be subject to appropriations; but certainly, authorizing the program so that we can go to the Committee on Appropriations and request funding.

There is no question, it is without question that hybrid technology extends our available full fuel resources and that it is a coming thing, and I want to thank the gentleman from Tennessee for offering this amendment, and I do strongly support it.

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

Mr. FORD. Mr. Chairman, I yield myself the remaining time. I thank the chairman for his support and ask all of my colleagues in both parties to be supportive of it.

Just to point out one last thing, I appreciate the chairman pointing out that this authorizes the program, and forgive me for not making that point clear, as well as the fact that the EPA will administer this program. Finally, as my colleagues know, the budget measure that President Bush proposed would grant about $7 billion, a little over $7 billion, in tax breaks; and a good 70 percent of that would go towards energy efficiency and alternative sources of energy. I believe that this amendment advances that goal, not only for the President but, more importantly, for the country.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. FORD).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 109–49.

AMENDMENT NO. 17 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment as the designee of the gentlewoman from Ohio (Ms. KAPTUR).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. KUCINICH:

In section 722(a), strike ''15'' and insert ''20''.

In section 722(e)(1), strike ''$20,000,000'' and ''$15,000,000''.

MODIFICATION TO AMENDMENT NO. 17 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to modify this amendment by striking the number ''20'' in the first place it appears and inserting the number ''30'' in lieu thereof.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. KUCINICH of Ohio by striking ''20'' the first place it appears and inserting ''30'' in lieu thereof.

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

Mr. BARTON of Texas. Mr. Chairman, reserving the right to object, and I will not object, Mr. Chairman, simply to say that the gentleman has cleared this with the majority. It would change the numerical number of cities that would be eligible, but it would not change the total funding, and this is an acceptable change, and we are very willing to accept it.

Mr. Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Without objection, the modification to the amendment is accepted.

There was no objection.

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

I want to express my appreciation to the Chair for accepting the modification and my appreciation to the gentlewoman from Ohio (Ms. KAPTUR), who I have worked with on this amendment that would double the number of Department of Energy Clean City programs that could apply for a pilot program to invest in alternative fuel vehicles. By amending section 722, the amendment would increase the number of project grants from 15 to 30 for State governments, local governments, and metropolitan transportation authorities.

Now, we are offering this amendment because we believe that farmers and our urban centers can work together to eliminate our dependency on oil. Farmers grow biomass feedstocks that can be processed locally to supply nearby cities such as Cleveland and Toledo.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Toledo, Ohio (Ms. KAPTUR), with whom I have had the privilege of working on this amendment.

Ms. KAPTUR. Mr. Chairman, I thank the able gentleman from Cleveland and say that the north coast of Ohio is well represented here today as we help America, through the Kucinich-Kaptur amendment, take another small step for humankind toward energy independence.

This program is budget neutral. All it does is it allows for 30 communities in our country to adapt alternatively fueled vehicles in their public fleets, as well as some of the infrastructure to support it. It allows for those competitive grants to be in the amount up to $15 million as opposed to $20 million. So we reduce the actual amount, and we increase the number of communities, so we at least have an additional 30. It allows greater energy security, greater economic security and, without a doubt, greater environmental security.

□ 1045

I want to say thank you to the gentleman, who has been such a leader on this issue, the gentleman from Ohio (Mr. KUCINICH), for Cleveland and for our country. It is important to think about new ways of doing things, to close the book on the 20th century, the petroleum age, and move toward a new energy age for America and the world.

Sixty-two percent of what powers our vehicles today is imported, that is, two-thirds. This is not a sustainable position for the United States, particularly when spot markets in oil are ringing in at over $50, and $55 a barrel. Every family in America is feeling the pain of this. So this program will help us move forward millions of vehicles in the public realm that can help us transition to a new age of energy independence.

I am very sensitive to the gentleman's time and do not want to impose.

Mr. KUCINICH. Well, the gentlewoman has made it possible for me to help and offer this amendment.

We can grow our way out of our energy crisis; and farmers growing biomass feedstocks that can be processed locally to supply, in our case, nearby cities such as Cleveland and Toledo can help us do that. They will benefit with new and more stable markets; our fuel supply is home grown, thus reducing our dependence on foreign oil; fuel prices are reduced; and the air we breathe is cleaner.

I yield to the gentlewoman.

Ms. KAPTUR. Mr. Chairman, I would just say, along with what the gentleman has stated for the record, there are over 140 million cars and 85 million trucks on our highways. And today 3,300,000 of those cars and trucks all already are on our highways running on 85 percent ethanol. If we but use our fleets in a wiser way and help transition to these new fuels, we can make a difference in the pockets of every single American and leave a better world to our children.

Today, there are 187,000 retail locations in our country from which we purchase our fuels, but only 400 stations across 38 States sell E–85. I want to buy. I just said to the head of GM, who came here to Washington this week, to the Auto Caucus event, I said, Sir, I want to buy a GM Malibu powered by ethanol. Do you sell it? And even if I bought it, could I go to Toledo and buy the fuel?

He said, ''I do not think I have that yet.'' I said, ''Can you go back to Detroit and figure that one out for me?''

I know that the Jeep Liberty that is rolling off the lines in Toledo today has, for the first time in U.S. history, a 5 percent biodiesel blend as original equipment, called B–5. Someday we are going to get that up to B–20, and the farms in Ohio that surround the cities that some of us live in are going to provide that fuel. And that money is going to be going in their pockets. We are going to have a new fuel-based age in this Nation.

I get pretty excited about this, because I have seen the future and it is in Ohio, and it is in Iowa, and it is in Nebraska.

Mr. BARTON of Texas. Mr. Chairman, if the gentlewoman will yield, it is in Texas.

Ms. KAPTUR. Mr. Chairman, it is definitely in Texas. And we want to be able to use that fuel in a new way.

So we thank the gentleman for allowing the amendment to be offered, I would hope that we would get favorable consideration by the committee or when we come to the floor for a vote.

So we would urge consideration and support of the Kaptur-Kucinich amendment, which is future-oriented, budget-neutral, and helps move America to a new biofuel age.

The Acting CHAIRMAN (Mr. BONILLA). All time has expired on this debate.

The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment, as modified, was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report No. 109–49.

AMENDMENT NO. 18 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Ms. MILLENDER-MCDONALD:

In title VII, after section 743 insert the following new section and make the necessary conforming changes in the table of contents:

**SEC. 743A. DIESEL TRUCK RETROFIT AND FLEET MODERNIZATION PROGRAM.**

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall establish a program for awarding grants on a competitive basis to public agencies and entities for fleet modernization programs including installation of retrofit technologies for diesel trucks.

(b) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only to a State or local government or an agency or instrumentality of a State or local government or of two or more State or local governments who will allocate funds, with preference to ports and other major hauling operations.

(c) AWARDS.—

(1) IN GENERAL.—The Administrator shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of grants under this section.

(2) PREFERENCES.—In making awards of grants under this section, the Administrator shall give preference to proposals that—

(A) will achieve the greatest reductions in emissions of nonmethane hydrocarbons, oxides of nitrogen, and/or particulate matter per proposal or per truck; or

(B) involve the use of Environmental Protection Agency or California Air Resources Board verified emissions control retrofit technology on diesel trucks that operate solely on ultra-low sulfur diesel fuel after September 2006.

(d) CONDITIONS OF GRANT.—A grant shall be provided under this section on the conditions that—

(1) trucks which are replacing scrapped trucks and on which retrofit emissions-control technology are to be demonstrated—

(A) will operate on ultra-low sulfur diesel fuel where such fuel is reasonably available or required for sale by State or local law or regulation;

(B) were manufactured in model year 1998 and before; and

(C) will be used for the transportation of cargo goods especially in port areas or used in goods movement and major hauling operations;

(2) grant funds will be used for the purchase of emission control retrofit technology, including State taxes and contract fees; and

(3) grant recipients will provide at least 5 percent of the total cost of the retrofit, including the purchase of emission control retrofit technology and all necessary labor for installation of the retrofit, from any source other than this section.

(e) VERIFICATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register procedures to—

(1) make grants pursuant to this section;

(2) verify that trucks powered by ultra-low sulfur diesel fuel on which retrofit emissions-control technology are to be demonstrated will operate on diesel fuel containing not more than 15 parts per million of sulfur after September 2006; and

(3) verify that grants are administered in accordance with this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section, to remain available until expended the following sums:

(1) $20,000,000 for fiscal year 2005.

(2) $35,000,000 for fiscal year 2006.

(3) $45,000,000 for fiscal year 2007.

(4) Such sums as are necessary for each of fiscal years 2008 and 2009.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

Today I am offering an amendment to the energy bill that establishes a diesel truck retrofit and fleet modernization program. This amendment will advance some of our country's most pressing environmental and transportation concerns.

Currently, there are over 90,000 trucks in operation in the United States, and over 30,000, or 35 percent, are over 10 years old. Heavy-duty trucks are known to operate for 20 years or more and 1 million miles or more.

The emissions from these older, heavy-duty trucks are among the highest contributors to ozone and particulate pollution in the country. Heavy-duty trucks are the highest polluters among on-road transportation emissions resources. This is a national issue.

In 2003, 62 million people lived in 97 U.S. counties with particulate levels higher than the particulate matter 2.5, and/or PM–10 Federal standards; and 159 million people lived in areas that do not meet the 8-hour ozone standards. The health impact of particulates and ozone pollution are increasingly a major public concern.

The problem is that we have to get the old trucks off the highways so that we can fully receive the benefits of the progress we have made over the past 30 years. My amendment authorizes $100 million in funding between fiscal year 2006 and fiscal year 2008 that will be an incentive to replace and scrap the oldest and highest emitting heavy-duty trucks; incentives to retrofit heavy-duty trucks that will be operating for more than many years; incentives to develop and implement a training program for technicians working with advanced diesel technology and alternative fueled vehicles; and an exemption from Federal income taxes on any incentive payments to truck owners and operators who participate in voluntary replacement and/or retrofit programs, and where the incentive payments are used toward purchasing or retrofitting newer, cleaner-burning heavy-duty trucks.

Mr. Chairman, to date, 322 old trucks have been scrapped since September 2002. In the last year alone, only 11 trucks have been removed from the road. I think we can do better.

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

Mr. HALL. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

There was no objection.

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

This amendment creates an EPA program for awarding competitive grants. We like that. We like the fact that the fleet modernization and retrofitting of existing equipment is going to reduce harmful emissions and lessen smog-forming pollution.

It is a good amendment, and the majority is in favor of it. I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for introducing it and explaining it and passing it.

Creates an EPA program for awarding competitive grants to public agencies and entities for fleet modernization including installation of retrofit technologies for diesel trucks.

Grants are to be awarded to State and local governments or agencies that will allocate funds with a preference to ports and other major hauling operations.

Preference is given to proposals that achieve greatest emissions reductions and involve the use of EPA or California Air Resources Board (CARB) verified retrofit technologies. In addition, those diesel trucks retrofitted with emissions control technologies should operate on ultra-low sulfur diesel fuel.

Marine ports in the United States are major hubs of economic activity and sources of pollution. Ports experience thousands of diesel truck visits per day. This activity contributes significantly to local and regional air pollution.

This program is a measure that will work towards decreasing the impact of air pollution by ports on the local and regional level.

Fleet modernization and retrofit of existing equipment will reduce harmful emissions and lessen smog forming pollutants.

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

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, this amendment establishes a diesel truck retrofit and fleet modernization program. It authorizes $200 million funding between 2006 and 2008.

This amendment is modeled after a very successful program which my colleagues and I initiated in 2001 through the gateway cities region. The gateway region is comprised of 27 cities throughout southern Los Angeles County, one of which has the highest pollution area in the State of California, that I and the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and other Members represent.

In 2000, the gateway region was identified in a study as having some of the highest levels of toxic exposure caused by diesel emissions in that whole region. As you know, 80 percent of the goods received at the Ports of Long Beach and Los Angeles are transported by trucks through our cities, and this traffic heavily impacts the region's infrastructure, the quality of life, and the health of the area's residents, particularly the young and vulnerable elderly.

Diesel engine emissions contain cancer-causing substances such as arsenic, benzene, et cetera, et cetera. I urge all of my colleagues to vote for the amendment.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the support of the Members for my amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD.)

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 19 printed in House Report 10–49.

AMENDMENT NO. 19 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. 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. 19 offered by Mr. BLUMENAUER.

In title VII, subtitle D, after section 754, insert the following new section (and amend the table of contents accordingly):

**SEC. 755. CONSERVE BY BICYCLING PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term ''program'' means the Conserve by Bicycling Program established by subsection (b).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the ''Conserve by Bicycling Program''.

(c) PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;
(ii) law enforcement;
(iii) education;
(iv) public health;
(v) environment; and
(vi) energy;
(D) maximize bicycle facility investments;
(E) demonstrate methods that may be used in other regions of the United States; and
(F) facilitate the continuation of ongoing programs that are sustained by local resources.
(3) COST SHARING.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.
(d) ENERGY AND BICYCLING RESEARCH STUDY.—
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.
(2) COMPONENTS.—The study shall—
(A) document the results or progress of the pilot projects under subsection (c);
(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—
(i) weather;
(ii) land use and traffic patterns;
(iii) the carrying capacity of bicycles; and
(iv) bicycle infrastructure;
(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;
(D) include a cost-benefit analysis of bicycle infrastructure investments; and
(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.
(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,200,000, to remain available until expended, of which—
(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);
(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and
(3) $750,000 shall be used to carry out subsection (d).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER).

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

Today I am introducing an amendment to the Energy Policy Act to create a new conservation and research program, Conserve by Bike. This is something that we discussed the last time we had an energy program before us. This was approved by a voice vote. This legislation represents a small but important step forward towards determining our energy future.

There is much discussion on the floor about things that are mandatory. There are lots of things that make people cranky. This is one thing that will be able to help us move forward to actually take advantage of proven technology, and something that is a very positive development in each and every community across the country.

Bicycling, as virtually every Member of this assembly knows, is one of the cleanest, healthiest, most efficient and environmentally friendly modes of transportation that exists. It is the most efficient form of urban transportation in history.

As an alternative to automobile travel, bicycling can be an important element of a comprehensive energy conservation strategy. However, the relationship has not been adequately studied. The Conserve by Bike amendment recognizes that it is time to better understand the positive effects that bicycling can have on the conservation of our energy resources.

The amendment seeks to ensure that the Federal Government educates the public and provides appropriate research into the benefits of bicycling as it relates to energy conservation.

We are well aware of the health impacts. We are well aware of the opportunities that bicycling affords to young people, for example, to being able to have access to school.

This assembly, just last month, has approved in our transportation legislation, almost $1 billion in Safe Routes to Schools. With ISTEA and TEA–21 we have increasingly supported bike facilities through State, Federal and local funding. This amendment will leverage these investments to help people take advantage of energy conservation choices they have in getting around their community.

First, the amendment would establish a Conserve by Bicycling pilot program in the Department of Transportation, oversee up to 10 geographically dispersed pilot projects across the country designed to conserve energy resources, providing education and marketing tools to convert car trips to bike trips.

In addition, the projects would encourage partnerships between stakeholders from transportation, law enforcement, education, public health, environment and energy fields. The project results in energy savings must be documented, and the Secretary of Transportation is instructed to report to Congress the results of the pilot program within 2 years of implementation.

According to the Bureau of Transportation Statistics, bicycles are second only to cars as a preferred mode of transportation, demonstrating their potential for commuter use.

□ 1100

In recent years there have been significant upgrades to bicycling environments in the communities across the country. At a time when these communities are seeking to reduce traffic congestion, improve air quality, increase the safety of their neighborhoods, decrease petroleum dependence, bicycles offer a relatively simple, energy-saving alternative to driving. At a time when we talk seriously about transportation alternatives as an important component to comprehensive energy conservation strategy, this gives us the elements to make sure that we can document the impact.

The Conserve by Bike program is a critical step in the right direction. I strongly urge its adoption.

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

Mr. HALL. Mr. Chairman, on the Blumenauer amendment, I rise to say that we will accept the amendment.

The Acting CHAIRMAN (Mr. PUTNAM). Without objection, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, we encourage bicycling. It serves to ease traffic congestion and all that. I think this bill was accepted last year in the same bill and they accept it this year.

Mr. Chairman, the first bill I voted on when I came up here 25 years ago was to give a gasoline allowance to guys that rode their bikes to work. I thought that was interesting. I do not know if the gentleman has that in part of this amendment or not, but I hope it is in here. We do accept it.

It is one of our oldest modes of transportation. Everyone recognizes the benefits, and it is a good amendment, and we thank the gentleman for introducing it again this year. Perhaps we will make it to the end of the gate.

I would like to also, if I have some time, I would like to just say that this establishes the Conserve the Bicycling pilot program within the Department of Transportation, and up to, I think, 10 pilot projects geographically disbursed all across the country designed to conserve energy and resources by providing education and marketing tools to convert car trips to bike trips. It makes a lot of sense.

According to the Chicagoland Bicycle Federation, right now slightly less than one trip in 100 is by bicycle. If the United States would just raise the levels to just 1½ trips per 100, we would save over 462 million gallons of gasoline a year. That is hard to multiply that out and come up with that, but that is an amazing figure.

Bicycling, as I have said, is one of the oldest modes of transportation. Everyone recognizes the benefits including health and quality of life for bicycling, not only what it does for the environment. And encouraging bicycling serves to ease traffic congestion; it mitigates air quality impact from cars and trucks and traffic. I think it is a good amendment, and I thank the gentleman for offering it.

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

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

Mr. Chairman, I appreciate the gentleman from Texas' (Mr. HALL) willingness to accept the amendment. What he said is true: there are over 100 million bicycles in this country. We have

seen in community after community when there have been opportunities people bike. In my home town of Portland, Oregon, we have tripled the number of people who are commuting by bicycle. And when you take thousands of people off the road, it makes a difference in air quality. It makes a difference in congestion, and it makes a difference in terms of people's health.

This is a small step in the right direction. I urge its adoption, and I look forward to greater application in the future.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 109–49.

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Ms. JACKSON-LEE of Texas:

In section 910, add at the end the following new subsection:

(h) INTEGRATED BIOENERGY RESEARCH AND DEVELOPMENT.—In addition to amounts otherwise authorized by this section, there are authorized to be appropriated to the Secretary for integrated bioenergy research and development programs, projects, and activities, $49,000,000 for each of the fiscal years 2005 through 2009. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least $5,000,000 for each fiscal year shall be for training and education targeted to minority and social disadvantaged farmers and ranchers.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank both the chairman of the Committee on Energy and Commerce and as well the members of the committee. How ever we debate this legislation, it is long in coming.

I also want to acknowledge my colleague and friend, the gentleman from Texas (Mr. HALL) who is presiding for the other side this morning, because we have talked quite often about the importance of energy safety and energy security. Many of the elements of this legislation deal with those issues.

I want to say to my constituents in the 18th Congressional District and surrounding areas that we have for a long time in Texas lived alongside of the energy industry. It has created our jobs, of course, and created the underpinnings of the economic infrastructure for America. We have been on rocky times, Mr. Chairman. We have gone through some challenges whether it relates to the appropriate or inappropriate handling of our finances that drew the collapse of some of our companies, to some tragedies that have occurred that have caused the loss of life. But I do believe that the consensus is that we need an energy policy that responds to all of the elements that want an independent and strong future for America.

I would hope that at the end of the day we will have legislation that will speak to a strong future for America and that requires not only safety in our further development of refineries and our LNG sites but also giving opportunity to many different aspects of our society to create energy.

My amendment authorizes funds to be appropriated to the Secretary of Energy for integrated bioenergy research and development programs, projects and activities at a cost of $49 million for each of fiscal years 2005 to 2009, equaling $5 million. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation.

Of the funds authorized under this subsection, at least $5 million for each fiscal year shall be for training and education targeted to minority and socially disadvantaged farmers and ranchers, many of whom have looked to future opportunities to ensure that they are taking advantage, one, of the current needs of America.

I also had amendments that would have focused on the offshore drilling, environmentally safe offshore drilling that is occurring of the Texas and Louisiana shore. That has been going on for a number of years. My amendment had wanted to ensure that the reports given from the Department of Interior would be every 2 years as opposed to every 5 years. My effort was really to ensure the continued energy resources and to build the independence of the United States from foreign oil.

This amendment that is now being offered acknowledges the value of biomass. It also focuses on socially disadvantaged and minority ranchers and farmers. That means it reaches throughout the Nation. Specifically, it provides for the opportunity to translate those products from the particular entities into energy. There is a great opportunity for this, Mr. Chairman.

We are well aware of the value of our agricultural industry, but are we aware of what can happen positively to minority and socially disadvantaged ranchers and farmers if they find another element to their resources. In addition, this gives a great opportunity for Historically Black Institutions and Hispanic-serving Institutions who are located in these rural areas to be able to coalesce with these farmers and ranchers to be able to create new opportunities.

What starts with a little start can build up to a huge opportunity to build this Nation into a strong, secure and independent country, independent of foreign oil.

Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs. Furthermore, bioenergy is oftentimes produced by a form of biomass which is organic matter that can be used to provide heat, make fuels and generate electricity. Wood, the largest source of bioenergy has been used to provide heat for thousands of years, but there are many other types of biomass such as wood, plants, residue from agricultural forestry, and the organic component of municipal and industrial waste that can now be used as energy sources.

My constituents back home, as many of our constituents across the Nation, have asked the question about gasoline prices. We need to move forward with these new and creative resources and technologies to be able to say to our constituents, we understand the soaring rates on gasoline prices. We are sympathetic, and we are looking forward to making sure that those prices come down, so that our constituents can do the job that they need to do and, that is, providing for their families.

I would hope that this legislation moves forward. We will have amendments that will address the question of gasoline costs. But this amendment which deals with our farmers and our ranchers, Mr. Chairman, works towards making us a safe and secure Nation. I ask my colleagues to support this amendment.

Mr. Chairman, I rise to offer an amendment to H.R. 6 "The Energy Policy Act of 2005." Before doing so, I want to thank the Chairman of the Committee on Energy and Commerce for moving the bill out of committee so quickly so we can begin to aggressively deal with the energy crisis going on in this country and for his support of my amendment.

My amendment authorizes funds to be appropriated to the Secretary of Energy for integrated bioenergy research and development programs, projects, and activities, at a cost of $49,000,000 for each of the fiscal years 2005 through 2009. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least $5,000,000 for each fiscal year shall be for training and education targeted to minority and socially disadvantaged farmers and ranchers.

While my amendment acknowledges the value of biomass, it also focuses on socially disadvantaged and minority ranchers and farmers. That means it reaches throughout the Nation. Specifically, it provides the opportunity to translate those products from those particular entities into energy.

We are well aware of the value of our agricultural industry, but are we aware of what

can happen positively to minority and socially disadvantaged ranchers and farmers if they find another element to their resources? Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs.

Furthermore bioenergy is oftentimes produced by a form of biomass, which is organic matter that can be used to provide heat, make fuels, and generate electricity. Wood, the largest source of bioenergy, has been used to provide heat for thousands of years. But there are many other types of biomass—such as wood, plants, residue from agriculture or forestry, and the organic component of municipal and industrial wastes—that can now be used as an energy source. Today, many bioenergy resources are replenished through the cultivation of energy crops, such as fast-growing trees and grasses, called bioenergy feedstocks.

Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs. The two most common biofuels are ethanol and biodiesel. Ethanol, an alcohol, is made by fermenting any biomass high in carbohydrates, like corn, through a process similar to brewing beer. It is mostly used as a fuel additive to cut down a vehicle's carbon monoxide and other smog-causing emissions. Biodiesel, an ester, is made using vegetable oils, animal fats, algae, or even recycled cooking greases. It can be used as a diesel additive to reduce vehicle emissions or in its pure form to fuel a vehicle. Heat can be used to chemically convert biomass into a fuel oil, which can be burned like petroleum to generate electricity. Biomass can also be burned directly to produce steam for electricity production or manufacturing processes. In a power plant, a turbine usually captures the steam, and a generator then converts it into electricity. In the lumber and paper industries, wood scraps are sometimes directly fed into boilers to produce steam for their manufacturing processes or to heat their buildings. Some coal-fired power plants use biomass as a supplementary energy source in high-efficiency boilers to significantly reduce emissions.

Even gas can be produced from biomass to generate electricity. Gasification systems use high temperatures to convert biomass into a gas (a mixture of hydrogen, carbon monoxide, and methane). The gas fuels a turbine, which is very much like a jet engine, only it runs an electric generator instead of propelling a jet. While technology to bring biobased chemicals and materials to market is still under development, the potential benefit of these products is great.

I ask that my Colleagues join me in supporting this amendment.

Mr. HALL. Mr. Chairman, I ask unanimous consent to speak for 5 minutes in support of the amendment.

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

There was no objection.

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

Mr. Chairman, this is such a good amendment. This author is known for amending bills and upgrading them. Here is another instance. Actually, I think it is short enough to read to get it into the RECORD once again and before us:

''In section 910, add at the end the following new subsection,'' here is the part that I want to emphasize, ''integrated bioenergy research and development in addition to amounts otherwise authorized by this section, there are authorized to be appropriated to the Secretary for integrated bioenergy research and development, programs, projects and activities, $49 million for each of the fiscal years 2005 through 2009. Activities funded under this subsection shall be coordinated with ongoing related programs of the Federal agencies including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least $5 million for each fiscal year shall be for training and education targeted to minority and socially disadvantaged farmers and ranchers.''

That is the end of the amendment. It is a simple and direct amendment. The Jackson-Lee amendment not only acknowledges the value of biomass but at the same time it focuses on socially disadvantaged minority ranchers and farmers. That means it reaches through the Nation. Specifically, what it does, and I thank the gentlewoman for this, it provides the opportunity to translate these products from those particular entities into that wonderful thing we call energy.

What the Jackson-Lee amendment actually does, and let us just see what it does here, it would authorize funds to be appropriated to the Secretary of Energy for integrated bioenergy research and development programs, projects, activities at the cost of $49 million for each of the fiscal years 2005 through 2009.

Activities funded under this subsection would be coordinated with ongoing related programs of other Federal agencies including the Plant Genome Program of the National Science Foundation, as was stated in the bill itself.

Of the funds authorized under this subsection, at least $5 million for each fiscal year shall be for training, that is very important, and for education, that follows, targeted to minority and socially disadvantaged farmers and ranchers.

The gentlewoman from Houston, Texas (Ms. JACKSON-LEE) has another good amendment, and we do support the amendment and ask that it be attached to the bill and passed. I think it will help us when we get this bill to the President for his signature after the other body in their wisdom sees fits to find us two more votes and pass it on to a good President who will sign a good bill.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 109–49.

AMENDMENT NO. 21 OFFERED BY MR. TOM DAVIS of virginia

Mr. TOM DAVIS of Virginia. 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. 21 offered by Mr. TOM DAVIS of Virginia:

Strike section 978 (and conform the table of contents accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, section 978 creates two new Senate-confirmed assistant secretary positions within the Department of Energy. This change would increase the total number of Senate-confirmed assistant secretaries in the Department from six to eight.

The Department of Energy has been plagued by management problems for years. Since 1990 GAO has designated contract management at DOE as a high-risk area for waste and mismanagement.

A recently released GAO report requested by the Committee on Government Reform confirms that DOE contract management should remain on the GAO high-risk list. Additionally, the DOE Inspector General has reported for years that the Department is not doing enough to protect its facilities and materials from threats to our national security.

While the issues that these proposed assistant secretaries would be responsible for no doubt are important issues, adding an additional layer of bureaucracy does not elevate the issue. DOE management will not improve as a result of adding these new layers. In fact, the new position could have the opposite effect by slowing down the decision-making process.

In addition to adding more unnecessary bureaucracy to the Department, this section adds to the ranks over 500 positions in the executive branch that go through the cumbersome Senate confirmation process. I have yet to be convinced that requiring positions below the secretary level through the confirmation process in the other body yields better candidates or more effective governmental administration.

Our Committee on Government Reform, which has jurisdiction over the Federal civil service and therefore the creation of new layers of bureaucracy, unanimously agreed to strike this section from the energy bill when the committee marked up our provisions last week.

□ 1115

Unfortunately, when the broader energy bill was cobbled together before coming to the floor, the provision was

not only reinserted, it was added to by creating two new Assistant Secretaries rather than just one.

Based on conversations with my colleague that support the creation of these new positions, this is an issue that I pledge to work with them on as the bill moves through the conference. Of the two new proposed positions, one is simply an elevation of a preexisting Senate-confirmed post within DOE, whereas the other is a brand new Senate-confirmed position.

For the time being, I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN (Mr. PUTNAM). Who seeks time?

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

There was no objection.

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

I join my colleague, the chairman of the Committee on Government Reform, in urging Members to adopt this change in the Department of Energy structure. The change would increase the total number of Senate-confirmed Assistant Secretaries in the Department from six to eight.

We have had an opportunity to evaluate this proposal, and it makes good sense. I think the Department will become much more efficient, and it will give greater attention to very important energy issues.

So I join in support and urge my colleagues to vote for the Davis-Waxman amendment.

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

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition to the Davis-Waxman amendment.

The Acting CHAIRMAN. The gentleman from California (Mr. WAXMAN) has been allotted that time by unanimous consent.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would ask that maybe the gentleman from California (Mr. WAXMAN) could yield the gentlewoman from Illinois (Mrs. BIGGERT) any time that he would have remaining, so that she could make a case.

Mr. WAXMAN. Mr. Chairman, I would like to yield——

Mrs. BIGGERT. Mr. Chairman, the Chair did not ask him if he rose in opposition.

Mr. TOM DAVIS of Virginia. The gentlewoman in opposition to the amendment has no time because the gentleman has taken her time. I have 3 minutes remaining. I can give her 2 of my minutes. If the gentleman from California (Mr. WAXMAN) can give her a couple of minutes, she can make her case against our amendment.

Mr. WAXMAN. Mr. Chairman, I am willing to be as cooperative as possible, but I am not sure what the gentleman is suggesting. We have a Member on our side who wants to speak in favor of the proposal.

Mr. TOM DAVIS of Virginia. We will see how much time she takes. If the gentleman can see how much time she takes, and then we can give the balance to the gentlewoman from Illinois (Mrs. BIGGERT).

I have a gentleman from our side who wants to speak in favor as well. We will try to accommodate the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the State of Nevada (Ms. BERKLEY).

The Acting CHAIRMAN. The gentlewoman from Nevada (Ms. BERKLEY) is recognized on the gentleman from California's (Mr. WAXMAN) time.

Ms. BERKLEY. Mr. Chairman, I thank the gentleman from California (Mr. WAXMAN) for yielding his time.

I rise in support of this amendment which would strike the provision in the bill to expand the number of Assistant Secretaries at the Department of Energy, one of which being an Assistant Secretary for improved management of nuclear energy issues.

Why are we creating a new position for nuclear power? There is no Assistant Secretary for gas or oil or coal. Nuclear energy should not be elevated above all the others.

This administration continues to push for expanded nuclear power, despite having no solution for the issue of radioactive nuclear waste disposal.

Recently, the Department of Energy revealed that Federal employees working on the Yucca Mountain project deliberately falsified scientific documentation regarding water infiltration and climate studies.

The D.C. Circuit Court of Appeals, the second highest court in the land, struck down the EPA's radiation standards, which they said were inadequate for a mere 290,000 years. Yet the DOE continues to move forward with its license application for a dump that will never be built and continues to spend billions of dollars of taxpayers' money while they are doing it.

Before creating an Assistant Secretary for Nuclear Issues and increasing our reliance on nuclear power, we must find a safe and scientifically sound solution to the problem of disposing of tens of thousands of tons of radioactive, toxic nuclear waste.

Mr. Chairman, Yucca Mountain is not a solution to our current problem, nor will it address the issue of storing newly created nuclear waste. Creating yet another layer of bureaucracy is not the answer to this Nation's energy problem, and certainly the Department of Energy has done nothing, nothing in its history to warrant additional funding and additional support.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I rise today in support of the Davis-Waxman amendment to H.R. 6.

Mr. Chairman, I could stand here all day and discuss some of the problems that are currently plaguing the Department of Energy, but as chairman of the Subcommittee on the Federal Workforce and Agency Organization within the Committee on Government Reform, I am growing more and more convinced the Department of Energy is not only experiencing problems relating to how to remove nuclear waste, but also other energy-related projects.

Now is not the time to be introducing two new Assistant Secretaries at the Department of Energy. I firmly believe that adding additional layers of bureaucracy to this department will only serve to cause more problems, rather than to solve problems.

Mr. Chairman, when the Committee on Government Reform and the subcommittee were considering the energy bill, I introduced an amendment to strip this position. My amendment was supported unanimously by the full committee. My colleagues recognized that with the current existence of a culture of mismanagement, now is not the time to create additional bureaucracy.

I urge my colleagues on both sides of the aisle to support this bipartisan amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent each side be given 1 additional minute.

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

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield my 3 remaining minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mr. WAXMAN. Mr. Chairman, whatever time we have, I would also yield to the gentlewoman from Illinois (Mrs. BIGGERT) so she will have her full time.

The Acting CHAIRMAN. The gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 6 minutes.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman. I appreciate both of the gentlemen for yielding time to me.

I rise in opposition to this amendment which strikes from the bill a section that makes two simple, but important organizational changes at the Department of Energy. As the title of the section implies, these two changes are designated to improve the coordination and management of civilian science and technology programs at the Department of Energy.

First, section 978(a) of H.R. 6 simply changes from Director to Assistant Secretary the title of the position responsible for overseeing the DOE Office of Science.

Let me be clear about this. The Director of the Office of Science already is an Assistant Secretary in all but title. Like the other Assistant Secretaries at DOE, the Director of the Office of Science is already appointed by the President and confirmed by the Senate. Like the other Assistant Secretaries at DOE, the Director position is

on an executive schedule. Like the other Assistant Secretaries at the DOE, the Director position is a Level IV on the executive schedule.

This is not a new position nor is it a promotion. This is a title change only, no extra pay, no extra head count, no extra bureaucracy.

This simple title change is still critically important to the operation and organization of the DOE. We all know how important titles are within our Federal departments and agencies, and this title change appropriately acknowledges the central importance of science and technology to fulfilling the Department's varied missions.

That is why the person with the primary responsibility for overseeing basic scientific research within the Department should have at least the same title as his or her counterparts who are responsible for applied energy research as their mission of the Department.

The second provision contained in section 978(b) creates an additional Assistant Secretary at the Department and expresses the sense of Congress that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

I would really like to thank the gentleman from Virginia (Mr. TOM DAVIS) for clarification of his position and his willingness to work to find an acceptable compromise, and also for the gentleman from Texas (Chairman BARTON) for his commitment to revisit this issue.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from New York, the Chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to the amendment. Just let me talk about the part that concerns me the most, which affects the Director of the Office of Science.

As I understand it, the concern about the bill is that it would create a new Senate-confirmed position in the Department, but the Director of the Office of Science is already treated like an Assistant Secretary in all but name. He, or at points in the past she, is Senate-confirmed. The office holder is paid at the same level as an Assistant Secretary.

In fact, everything about the Director slot is identical to being an Assistant Secretary except the name, and in protocol-driven Washington and in capitals abroad, that can create confusion and be a problem.

So I hope that when the Senate comes back with this same provision, as I expect they will, we will be able to work it out based on the facts.

All we are trying to do here is make sure the Office of Science, the leading funder of physical science research, has the stature it needs to do its job even better. This elevation will not create any more hierarchy at the Department of Energy, and it will not cost any additional money.

Mr. Chairman, I thank the gentleman for his cooperation.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent for 1 additional minute on each side.

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

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I just want to say to my friends on the Committee on Science that while we continue to stand in opposition to the creation of new bureaucracy as a way to solve the problems, I think there may be some kind of middle ground, as the gentleman has addressed, and I pledge as we move forward to work with them to try to find a solution to the issue they have identified with this Assistant Secretary for the Office of Science.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, we are in favor of the amendment, of course, and I just want to point out that the Davis-Waxman amendment strikes section 978, which I will have the opportunity maybe at a later time to go into in more depth, but it strikes out ''improved coordination and management of civilian science and technology programs'' which would create two new Senate-confirmed Assistant Secretary positions within the Department of Energy, increasing the total number of Senate-confirmed Assistant Secretaries in the Department to eight. The proposed positions include one for science and one for nuclear energy.

Now, some of the talking points for this are, among others, there are a good many reasons to talk for this Department. The Department has significant management challenges. It is not the solution to add two more Senate-confirmed Assistant Secretaries to further bog down the situation. The Davis-Waxman amendment appropriately recognizes we do not need more Senate-confirmed Assistant Secretaries.

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

In closing, I want to urge support for the amendment and also express to the gentleman from New York (Mr. BOEHLERT), for whom I have the highest regard, that I would like to work with him, along with the gentleman from Virginia (Mr. TOM DAVIS), to find a middle ground and to resolve any concerns that he has. I was unaware of his concerns, but I certainly would want to take them into serious consideration.

Mr. Chairman, I urge an ''aye'' vote for the amendment.

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

The Acting CHAIRMAN. All time has expired.

The Chair thanks the gentlewoman from Illinois (Mrs. BIGGERT) for her understanding and the gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) for their accommodation.

The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in House Report 109–49.

AMENDMENT NO. 22 OFFERED BY MR. WALSH

Mr. WALSH. 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. 22 offered by Mr. WALSH:

**SEC. 1452. NATIONAL PRIORITY PROJECT DESIGNATION.**

(a) DEFINITIONS.—For purposes of this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

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

(b) DESIGNATION OF NATIONAL PRIORITY PROJECTS.—

(1) IN GENERAL.—There is hereby established the National Priority Project designation, which shall be evidenced by a medal bearing the inscription ''National Priority Project''. The medal shall be of such design and materials and bear such additional inscriptions as the President may prescribe.

(2) MAKING AND PRESENTATION OF DESIGNATION.—

(A) IN GENERAL.—The President, on the basis of recommendations made by the Secretary, shall annually designate organizations, if any, that have—

(i) advanced the field of renewable energy technology and contribute to North American energy independence; and

(ii) a project that has been certified by the Secretary under subsection (c).

(B) PRESENTATION.—The President shall designate projects with such ceremonies as the President may prescribe.

(C) USE OF DESIGNATION.—An organization that receives a designation under this section may publicize its designation as a National Priority Project in its advertising.

(D) CATEGORIES IN WHICH THE DESIGNATION MAY BE GIVEN.—Separate designations shall be made to qualifying projects in each of the following categories:

(i) Renewable energy generation projects.

(ii) Energy efficient and renewable energy building projects.

(c) APPLICATION AND CERTIFICATION.—

(1) SELECTION CRITERIA.—Certification and selection of the projects to receive the designation shall be based on the following criteria:

(A) FOR ALL PROJECTS.—The project demonstrates that it will install no less than 30 megawatts of renewable energy generation capacity.

(B) FOR ENERGY EFFICIENT BUILDING AND RENEWABLE ENERGY PROJECTS.—In addition to meeting the criteria established in subparagraph (A), building projects shall—

(i) comply with nationally recognized standards for high-performance, sustainable buildings;

(ii) utilize whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls;

(iii) utilize renewable energy for at least 50 percent of its energy consumption;

(iv) comply with applicable Energy Star standards; and

(v) include at least 5,000,000 square feet of enclosed space.

(2) APPLICATION.—

(A) INITIAL APPLICATIONS.—No later than 4 months after the date of enactment of this

Act, and annually thereafter, the Secretary shall publish in the Federal Register an invitation and guidelines for submitting applications, consistent with the provisions of this section.

(B) CONTENTS.—The application shall describe the project, or planned project, and its plans to meet the criteria listed in paragraph (1).

(3) CERTIFICATION.—Not later than 60 days after the application period described in paragraph (2), the Secretary shall certify projects that are reasonably expected to meet the criteria described in paragraph (1).

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New York (Mr. WALSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

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

Mr. Chairman, H.R. 6 recognizes the key role of renewable energy and energy conservation as part of a balanced, comprehensive energy policy.

The National Priority Project Designation Act, which is this amendment, would complement the provisions already included in H.R. 6 by creating an additional incentive for renewable energy deployment and energy conservation at virtually no cost to the Federal Government.

The National Priority Project Designation would not only recognize the winning projects, it would also educate the public and the business community about the potential of renewable energy to contribute to North American energy independence. The designation would draw attention to large renewable energy projects, such as large wind farms that provide hundreds of megawatts of electricity generation capacity.

The designation would also encourage large building developments to expand on planned renewable energy and energy efficient features to add scale and deploy emerging technologies. This is a free-market, extremely low-cost way to encourage investment and innovation in renewable energy and energy conservation.

□ 1130

In summary, the amendment, which is modeled after the Malcolm Baldrige Quality Award Act, would recognize and highlight major green building and renewable energy projects. The legislation would direct the Secretary of Energy to establish guidelines for those interested in the designation to submit applications for an annual award process. The amendment establishes an open competitive process with minimum qualifying criteria. The Secretary of Energy would certify those projects that meet minimum criteria. The President would then, in consultation with the Secretary of Energy, select projects that advance the field of renewable energy technology and contribute to North American energy independence to receive the National Priority Project designation. Winning projects would receive a medal commemorating the designation. Winning projects could also use the National Priority Project designation in their advertising.

The amendment would establish two categories of projects, pure renewable energy generation of 30 megawatts or more; and integration of at least 30 megawatts of renewable energy generation with large, energy-efficient buildings.

Mr. Chairman, I support enactment of this important energy legislation, and I urge my colleagues to include this amendment therein.

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

Mr. HALL. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, though I will speak in favor of the amendment.

The Acting CHAIRMAN (Mr. PUTNAM). Without objection, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, we think this is a good amendment, and I think it is enough to go down through the projects that he outlined. In general, it says it hereby establishes the National Priority Project designation, which shall be evidenced by a medal bearing the inscription National Priority Project. And this medal would be of such design and materials and bear such additional inscriptions as the President might prescribe.

The President, on the basis of a recommendation made by the Secretary, can annually designate organizations, if any, that have, one, advanced the field of renewable energy technology and contributed to North American energy independence; and a project that has been certified by the Secretary under subsection (c). The President shall designate projects with such ceremonies as the President may prescribe.

It goes on to state, an organization that receives the designation under this section may publicize this designation as a National Priority Project in its advertising. Separate designations also could be made to qualifying projects in each of the following categories: the first one is renewable energy generation, and the second is energy-efficient and renewable energy building projects.

Under selection criteria, and it is pointed out absolutely from the very beginning, where this is made clear, that certification and selection of the projects to receive the designation have to be based on criteria, and they set that out, that is, that the project demonstrates that it will install no less than 30 megawatts of renewable energy generation capacity.

It states further that, in addition to meeting the criteria established in subparagraph (A), building projects shall, one, comply with nationally recognized standards for high performance, sustainable buildings; two, utilize whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls.

They go on to say, also could utilize renewable energy for at least 50 percent of its energy consumption, comply with applicable Energy Star standards, and include at least 5 million square feet of enclosed space.

For the initial applications, it goes on to point out that no later than 4 months after the date of this enactment, and annually thereafter, the Secretary would publish in the Federal Register an invitation and guidelines for it.

Under contents and certification, it reads: the application shall describe the project, or planned project, and its plans to meet criteria listed in paragraph (1), and they certify it not later than 60 days after the application period described in paragraph (2), the Secretary shall certify projects that are reasonably expected to meet the criteria prescribed in this paragraph.

For these reasons, we support this amendment and urge its passage.

Mr. WALSH. Mr. Chairman, I yield myself the balance of my time; and, in conclusion, I would just like to say that any national energy policy should be heavily invested in energy conservation. That is what this amendment attempts to do, with little cost to the taxpayer and to the government.

I want to thank the gentleman from Texas (Mr. HALL) and the gentleman from Texas (Mr. BARTON) for the hard work they have done on this bill and for asking that the amendment be included.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WALSH).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 23 printed in House Report 109–49.

AMENDMENT NO. 23 OFFERED BY MR. ENGEL

Mr. ENGEL. 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. 23 offered by Mr. ENGEL:

In section 1512, in the section heading, strike ''**CELLULOSIC BIOMASS AND WASTE-DERIVED ETHANOL CONVERSION ASSISTANCE**'' insert ''**CONVERSION ASSISTANCE FOR CELLULOSIC BIOMASS, WASTE-DERIVED ETHANOL, APPROVED RENEWABLE FUELS**''.

In section 1512, in the proposed subsection (r), in the subsection heading, strike ''CELLULOSIC BIOMASS AND WASTE-DERIVED ETHANOL CONVERSION ASSISTANCE'' and insert ''CONVERSION ASSISTANCE FOR CELLULOSIC BIOMASS, WASTE-DERIVED ETHANOL, APPROVED RENEWABLE FUELS''.

In section 1512, in the proposed subsection (r)(1), strike ''waste-derived ethanol'' and insert '', waste-derived ethanol, and approved renewable fuels''.

In section 1512, in the proposed subsection (r)(1), insert ''or approved renewable fuels'' after ''production of ethanol'' .

In section 1512, in the proposed subsection (r)(2)(B), insert ''or renewable'' after ''uses cellulosic'' .

In section 1512, in the proposed subsection (r), insert after paragraph (3) the following new paragraph:

''(4) DEFINITIONS.—For the purposes of this subsection:

''(A) The term 'approved renewable fuels' are fuels and components of fuels that have been approved by the Department of Energy, as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)), which have been made from renewable biomass.

''(B) The term 'renewable biomass' is, as defined in Presidential Executive Order 13134, published in the Federal Register on August 16, 1999, any organic matter that is available on a renewable or recurring basis (excluding old-growth timber), including dedicated energy crops and trees, agricultural food and feed crop residues, acquatic plants, animal wastes, wood and wood residues, paper and paper residues, and other vegetative waste materials. Old-growth timber means timber of a forest from the late successional stage of forest development. ''.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume, and I rise to offer a perfecting amendment to a good grant proposal offered in section 1512.

Under H.R. 6, the Secretary of Energy may provide grants to merchant producers of cellulosic biomass ethanol and waste-derived ethanol. My amendment would simply allow producers of other renewable fuels approved by the Department of Energy to also apply for these grants.

This amendment simply expands the types of renewable fuels eligible for funding under the grant program in H.R. 6. There is no change in cost to the grant program or H.R. 6 under my amendment.

Currently, there is no available technology that can convert much of the urban waste into ethanol; yet there is at least one such technology that can convert urban waste into components for another DOE-recognized alternative fuel called P-Series fuels.

P-Series is a family of renewable nonpetroleum liquid fuels that can substitute for gasoline. P-Series fuels were officially designated as an alternative fuel by the U.S. Department of Energy in 1999. Forty-five percent of P-Series fuels are made from ethanol; the rest is made up of MTHF, natural gas liquids and butane. Both the ethanol and MTHR are derived from renewable domestic feedstocks, such as corn, wastepaper, cellulosic biomass, agricultural waste, and wood waste from construction.

Since P-Series fuels are not derived from petroleum, the DOE concluded that P-Series fuels would efficiently and effectively help replace petroleum imports. DOE also found P-Series to have environmental benefits because of the reduction in hydrocarbon and CO emissions, toxics, and greenhouse gases. P-Series fuel addresses three problems: the need for nonpetroleum energy sources, solid waste management, and affordability.

A pilot plan for this technology is operating in South Glens Falls, New York. It was constructed with funds invested by the U.S. Department of Energy. Associated Technology was developed at the U.S. Department of Energy's Pacific Northwest National Laboratory. This conversion process is well regarded and is deserving of the same level of assistance that are intended for ethanol conversion technologies. It won the President's Green Chemistry Challenge, a competition sponsored by the U.S. EPA's Office of Pollution Prevention and Toxics.

The U.S. Government spent considerable time and effort to develop this technology. Expanding the renewable fuels eligible under the grant program will be a win for all. Mr. Chairman, I know of no opposition to this amendment. I urge my colleagues to approve this simple amendment to H.R. 6.

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

Mr. HALL. Mr. Chairman, I seek the time in opposition to the amendment; and I yield 3 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I do rise in opposition to this amendment. The Committee on Resources opposes this amendment because of problems with a definition within the amendment that will prohibit many private landowners from participating in this program.

While the intent of this amendment is laudable, in reality it is nothing more than an attempt to grant special treatment to one company, with one facility, in one State.

This also does remind me of an important issue in a different part of the bill that is not part of this amendment, and that is title II, which contains a crucial provision that will benefit our Nation regarding hydropower relicensing. Hydropower is a reliable, secure, and clean source of power. Because it generates electricity through an electrochemical reaction instead of simple combustion, hydroelectricity helps reduce air pollution and greenhouse gas emissions linked to global warming.

Hydropower is also America's leading renewable energy source, accounting for well over 80 percent of our renewable electricity. Hydropower can be harnessed to generate electricity for homes, industry, and offices, leaving little more than steam as a by-product.

The hydrorelicensing provision in title II stimulates hydroelectric energy growth by improving the relicensing process between Federal resource agencies and their licensees. It does so by striking a balance between environmental concerns and energy production in hydro projects. These critical facilities are too often strangled by unsound and unproven mandates that choke hydroelectric production.

In the next 15 years, hydroelectric facilities that serve over 30 million homes must undergo relicensing. The relicensing process must be modified before our Nation's hydropower resources lose the ability to provide clean, emission-free energy to America's energy consumers. The fact that Federal resource agencies mandate restrictive conditions on the operations of hydropower projects, without comprehensive analysis of their impacts or an independent review of these conditions, is unacceptable.

Regulation of the hydro industry is plagued by uncertainty, duplication, and contradiction. Further, the licensing process for hydroelectricity is cumbersome, confusing, and costly, with no one party acting as a final arbiter of the competing interests involved in the project.

This language will result in greater interaction between the resource agencies and licensees, great flexibility in the development of environmental measures, and create an increased efficiency in the way we produce safe hydroelectric energy.

I want to thank our chairman, the gentleman from Texas (Mr. BARTON), for including this provision in the bill. It will greatly benefit our Nation, and for that reason I oppose the amendment before us.

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

Mr. Chairman, as my colleague said a moment ago, this amendment is laudable, and I admire the gentleman for pushing it; but I have to say that, in reality, it is really special treatment for one company, with one facility, in one State. Pure Energy Corporation is the only company I know of in the United States to have a patent for technology that can convert urban waste into a DOE-recognized fuel called a P-Series fuel. This amendment would grant enormous latitude for the application for this one technology to benefit this one company, and it is really not a matter of national policy.

Further, the company in question also receives funding and grants from the DOE in support of this technology. This is the type of action that government agencies are designed and delegated to do, to spot promising technologies and financially assist their development, and they are doing that. Government agencies are a lot better suited to determine the value of burgeoning technologies in their respective fields than Congress would be, and we should leave these decisions to the experts.

I might go on further and say that this amendment essentially provides for the expansion of national policy for the benefit of one type of fuel, the P-Series fuel, and the one technology that can produce it. The production quantities of the fuel are so minimal

that it is unlikely to have any part of an impact on a national scale. And, finally, there are only two vehicle manufacturers that currently produce flexible fuel vehicles that have engines that are compatible to this type of fuel.

The consumer market for this product is extremely limited. With high gas prices, this type of fuel is not cost competitive and is even more expensive than regular fuel.

□ 1145

For this reason it does not please me to oppose a Member of Congress who is supporting his own and goes that extra mile for his constituents that he represents, but I have to point out that actually this will not have an impact on a national scale and is not a matter of national policy.

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

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

Let me say I am disappointed that the majority does not agree that we ought to really look at renewable fuels. This, to me, is part of the reason why the bill is so problematic. I do not believe there is a commitment on the majority side to look at renewable fuels.

This does not strike anything. This does not add any more money. This just allows companies to apply for these grants from the Secretary of Energy. If the Secretary of Energy feels it is not worthy or it is one company, they can reject it. This does not add anything. This just would show that we are serious in looking at other renewable fuels. Why would we want to restrict the amount of the different kinds of renewable fuels that we can look at?

This is technology into the future. We should be expanding these things. Here we are just saying, Open it up and let other groups apply. They can be rejected if it is not meritorious. We believe P-series fuels are very important and can help us in the future to look at alternative sources of energy other than gasoline.

I am deeply disappointed, and I think this again shows the problems with the underlying bill. The majority is not really serious in my opinion, with all due respect, in trying to find alternative ways that Americans can get their energy from other than gasoline. That is why this bill is a big sock to the oil-producing companies and to the special interest industries, because whenever we want to expand it to help the American people, we are told, no, no, it is no good.

Again, this does not add any money. This just says let other people apply. If a Secretary of Energy deems these applications are not good, they can reject them. I can see no reason why there is opposition.

I am very disappointed, and I urge my colleagues on both sides of the aisle to support this amendment.

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

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

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

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. ENGEL) will be postponed.

It is now in order to consider amendment No. 24 printed in House Report 109–49.

AMENDMENT NO. 24 OFFERED BY MR. ISRAEL

Mr. ISRAEL. 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. 24 offered by Mr. ISRAEL:

At the end of title XVI, add the following new section:

**SEC. 1614. CONSOLIDATION OF GASOLINE INDUSTRY.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of such gasoline at retail. The study shall include an analysis of the impact of such consolidation on—

(1) the retail price of gasoline,

(2) small business ownership,

(3) other corollary effects on the market economy of fuel distribution,

(4) local communities, and

(5) other market impacts of such consolidation.

(b) SUBMISSION TO CONGRESS.—The Comptroller General shall submit such study to the Congress not later than one year after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New York (Mr. ISRAEL) and the gentleman from Texas (Mr. HALL) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ISRAEL).

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

I rise for two reasons: First, to support the right of America's small, independent gas and auto repair stations to a level playing field; and second, because we all know that a level playing field ensures free and fair markets, competition and lower gas prices.

In recent years, we have seen a sweeping consolidation of the oil industry at almost every level, the manufacturing level, wholesalers, refiners, and retailers. One corporation can control the prices at every single step, and that increases prices at the street corner.

My amendment is very straightforward. It directs the Comptroller General to study the effects of consolidation on prices, on market economics, and small business ownership.

Most people who live in a community for a long time are accustomed to talking about their local service station, where they know their mechanic and their owner, where they know the prices; but those days are in the past. Now their local facility is controlled by a giant corporation which has gobbled up their local facility. And lower prices on the street corner have also become a thing of the past.

In 2002, the Senate Committee on Government Reform Permanent Subcommittee on Investigations studied consolidation of fuel refineries. The subcommittee's findings are now over 3 years old, and are alarming in their prescience. As the report indicated, corporate interests are dominating pricing, controlling the market and pricing out privately owned retail outlets. Corporations are earning windfall profits while privately owned stations are struggling to keep afloat.

The subcommittee did not focus on wholesale and retail consolidation. This amendment would achieve that goal and give us the data we need to ensure that consumers are protected from price inflation and our small business owners can compete in a fair market.

Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in support of the Israel amendment. In Cleveland, Ohio, my district, people do not understand why prices vary from street to street. They can drive around and see a gas station will have $2.25 and a couple blocks later it will be $2.35.

The gentleman's study is so important because it will provide some insight into pricing, into how the market is set up; and the small and independent gas station owners who are getting squeezed in the market are going to have their cause elevated.

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

The amendment itself is brief. It is titled Consolidation of the Gasoline Industry, and says, ''The Comptroller General of the United States shall conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of such gasoline at retail. The study shall include an analysis of the impact of such consolidation on: the retail price of gasoline; small business ownership; other corollary effects on the market economy of fuel distribution; local communities; and other market impacts of such consolidation.''

Then at the very end it says, ''The Comptroller General shall submit such study to the Congress not later than 1 year after the date of the enactment of this act.'' It could delay it as much as a year.

The hard, cold facts about this amendment are that the GAO released studies in July 2004 that were titled, ''Mergers and Other Factors That Affect the U.S. Refining Industry,'' which attempted to discover the cause behind higher gasoline prices.

This amendment essentially commissions the GAO to create a report that

was already released last year. So there is real need for it.

There have been many criticisms of the GAO report because of its inadequate methodology and faulty assumptions. These critiques arose from the Federal Trade Commission, a government agency that has been studying and tracking gasoline price volatility as a result of mergers or anticompetitive behavior. They found the GAO study to be fundamentally flawed and the results as suspect.

GAO has already tried to wade through these issues of gasoline prices and wade through the issues of wholesale markets, and they have shown it does not have the expertise nor the breadth and depth of knowledge needed to properly analyze this subject.

The amendment would be commissioning a futile study and is a waste of time and resources. I urge a ''no'' vote on this amendment.

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

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

The studies that the gentleman cites did not take a look at the top-to-bottom consolidation of the oil industry. There have been a number of studies, but each study has been conducted almost in a vacuum without considering the entirety, the entire scope of this problem, a problem that is putting small, independent retailers out of business and driving up prices on every street corner in America.

We are not taking a position necessarily on the issue. We are simply saying it ought to be a responsibility of the Federal Government to investigate this situation, to talk about the marketplace.

The other side speaks passionately about free and fair markets and competition. The purpose of free, fair and competitive markets is to help drive prices down. By opposing this amendment, we are protecting an industry which is driving prices up.

I am deeply disappointed that the other side would take that position. I urge them to reconsider.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ISRAEL).

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

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. ISRAEL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which proceedings were postponed in the following order: amendment No. 15 by the gentleman from New Mexico (Mr. UDALL); amendment No. 23 by the gentleman from New York (Mr. ENGEL); and amendment No. 24 by the gentleman from New York (Mr. ISRAEL).

AMENDMENT NO. 15 OFFERED BY MR. UDALL OF NEW MEXICO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 225, not voting 5, as follows:

[Roll No. 124]

AYES—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Flake
Ford
Frank (MA)
Gilchrest
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hefley
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu

NOES—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Ferguson
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)

NOT VOTING—5

Franks (AZ)
Kelly
Platts
Portman
Young (FL)

□ 1222

Mr. BRADY of Texas changed his vote from ''aye'' to ''no.''

Messrs. CHABOT, CASE, HEFLEY, BISHOP of Georgia, DAVIS of Florida, and GILCHREST changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. ENGEL

The Acting CHAIRMAN (Mr. PUTNAM). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. ENGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 190, not voting 5, as follows:

[Roll No. 125]

AYES—239

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Woolsey
Wu
Wynn

NOES—190

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Granger
Green (WI)
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCrery
McHenry
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—5

Cannon
Franks (AZ)
Kelly
Portman
Young (FL)

□ 1241

Mr. ROYCE changed his vote from ''aye'' to ''no.''

Mrs. BONO, Messrs. MCHUGH, ISSA, MILLER of Florida, and BOREN, and Mrs. CAPITO changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. ISRAEL

The Acting CHAIRMAN (Mr. PUTNAM). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. ISRAEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 302, noes 128, not voting 4, as follows:

[Roll No. 126]

AYES—302

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone

Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Reynolds
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—128

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Feeney
Ferguson
Flake
Foley
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gohmert
Granger
Graves
Hall
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson, Sam
Keller
King (IA)
Kline
Knollenberg
Kuhl (NY)
Latham
Lewis (CA)
Linder
Lucas
Mack
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Pitts
Poe
Price (GA)
Radanovich
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sessions
Shadegg
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Walsh
Wamp
Weller
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—4

Baird
Kelly
Oxley
Portman

□ 1333

Ms. HARRIS and Messrs. PORTER, PUTNAM and SHIMKUS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

LIMITATION OF DEBATE ON MOTION TO STRIKE OFFERED BY MRS. CAPPS

Mr. HALL. Mr. Chairman, I ask unanimous consent that debate on the motion to strike offered by the gentlewoman from California (Mrs. CAPPS) be limited to 30 minutes equally divided and controlled by Mrs. CAPPS and an opponent.

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

Mrs. CAPPS. Reserving the right to object, Mr. Chairman, it is my understanding that the amendment will be recognized after the Grijalva amendment and before the Inslee amendment; am I correct?

Mr. HALL. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from Texas.

Mr. HALL. That is our understanding, Mr. Chairman.

Mrs. CAPPS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 25 printed in House Report 109–49.

AMENDMENT NO. 25 OFFERED BY MR. KUCINICH

Mr. KUCINICH. 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. 25 offered by Mr. KUCINICH:

In title XVI, add at the end the following new section (and amend the table of contents accordingly):

**SEC. 1614. FEASIBILITY STUDY OF MUSTARD SEED BIODIESEL.**

(a) STUDY.—The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences for a study to determine the feasibility of using of mustard seed as a feedstock for biodiesel.

(b) CONTENTS.—The study shall include comparisons to other biodiesel feedstocks using the following criteria:

(1) Economics from crop production to biodiesel in the typical percentage blends.

(2) Adaptability to various geographic and agricultural regions in the United States.

(3) Percentage and quality of oil content.

(4) Cetene ratings, viscosity ratings, emissions for the typical percentage blends.

(5) Potential to enhance oil, pesticide and herbicide qualities.

(6) Process technologies to convert into biodiesel.

(7) Usefulness of byproducts from the conversion process.

(8) Other criteria the National Academy of Sciences considers pertinent.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall transmit results of the study to Congress, the Secretary of Energy, and the Secretary of Agriculture, including any findings and recommendations.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

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

Mr. Chairman, this is a noncontroversial amendment which authorizes a National Academy of Science study on the feasibility of mustard seed as a feedstock for biodiesel.

Now, mustard seed has many advantages over other feedstocks, including higher oil content, it is easier to grow in colder and drier climates of the U.S., and the conversion process leaves behind an organic pesticide and herbicide. Initial research studies by the University of Idaho and the National Renewable Energy Laboratory have shown favorable results.

Now, Mr. Chairman, mustard seed has roots deep in all cultures, and it is specifically mentioned in the Bible. I want to read you a passage from Mark which will show the recognition of mustard seed as a crop that deserves recognition here.

Mark, in the fourth chapter, talks about the Kingdom of Heaven, and says: ''It is like a mustard seed, which when sewn in the Earth is less than all the seeds that be in the Earth. But when it is sewn, it groweth up and becometh greater than all the other herbs and shooteth out great branches.''

So something that was understood in the intelligence of the world thousands of years ago needs once again to be recognized, because what we have here is a crop that gives a great potential. And we know that farmers are key to eliminating our dependency on foreign oil and that we can grow our way out of this energy crisis. That is one of the reasons I am offering this.

Mark is not the only place where mustard seed is mentioned. We are told that if we have faith as a grain of mustard seed, we can move mountains. Well, this is an opportunity for us to show not only faith in the good will of this House to help America take an important step towards sustainable energy, but also faith in alternative energy and faith in our own Nation. I think that we can take this opportunity to give farmers a chance for growing options for biomass feedstocks. It is imperative that we find those feedstocks that will eliminate our dependency on foreign oil as soon as possible.

So, again, to the chairman, this is a noncontroversial amendment. It would authorize the National Academy of Sciences to study the feasibility of mustard seed as a feedstock, and I would certainly appreciate the support of the committee and of the House.

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

Mr. HALL. Mr. Chairman, I ask unanimous consent to take the time in opposition, though we do not oppose the amendment.

The Acting CHAIRMAN (Mr. SIMPSON). Without objection, the gentleman from Texas will be recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, the use of mustard seed as a feedstock for biodiesel will increase the United States' portfolio of

energy fuel resources. And just to be terribly brief, this amendment would only authorize a study on the benefits and the compatibility of mustard seed oil in the Nation's energy supply. It is a complementary amendment to an energy bill that is full of initiatives intent on expanding the Nation's energy supply and security.

Mr. Chairman, I am for anything that is going to help and further along this energy bill, even anything as small as a mustard seed. We accept it.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

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

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

It is now in order to consider amendment No. 26 printed in House Report 109–49.

AMENDMENT NO. 26 OFFERED BY MR. HOLT

Mr. HOLT. 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. 26 offered by Mr. HOLT:

In title XVI, add at the end the following new section (and amend the table of contents accordingly):

**SEC. 1614. STUDY OF FUEL SAVINGS FROM INFORMATION TECHNOLOGY FOR TRANSPORTATION.**

Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Transportation, report to Congress on the potential fuel savings from information technology systems that help businesses and consumers to plan their travel and avoid delays. These systems may include web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management, and traffic management systems. The report shall include analysis of fuel savings, analysis of system costs, assessment of local, State, and regional differences in applicability, and evaluation of case studies, best practices, and emerging technologies from both the private and public sector.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume, and I am offering an amendment to the energy bill for a study of the potential for fuel savings from information technology. This will help businesses and consumers and, really, the country at large.

Suppose you are driving to work. Today, you can listen to the radio and get some traffic information. You can use that, occasionally, to avoid delays. But what if you had something in your car that was giving you real-time information that would say, turn right now and save 10 minutes, and you could use that every day? You would save time, fuel, and money. Multiply that by the millions of people commuting doing the same thing, and it adds up to a real difference in our fuel use.

I mean, how many times have you driven around the block looking for a place to park? Suppose you had a system in your car that told you where the open parking spots are and how to get there?

Mr. Chairman, this is not Buck Rogers stuff. This is not so far fetched. Information technology is cheap. The electronic systems are inexpensive and easy to install, but we have not really looked at them systematically. So where my legislation talks about Web-based real-time transit information systems, or congestion information systems, or carpool information systems, do not think of them as systems; think of them as saving time so you can get home to read a bedtime story to your kids or get to work not quite so frazzled and save money.

Suppose you thought about taking a bus to get across town. Nowadays, you pretty much face the prospect of standing at the bus stop hoping the bus comes along, wondering if the bus will come along, wondering when you will get to work. What if you had a monitor, maybe on your cell phone, maybe at the bus stop that would tell you what the schedule is, where the bus is now, and when the bus will be at your stop? You could even check before you left your house.

These kinds of things are here today, not widely installed; but they could be. My amendment simply calls for a study of the energy savings that would come from such things. I think it is straightforward and will be attractive to people all over the country, to businesses, to individuals, to cities, and of course to those who care about our energy usage; and I urge its passage.

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

Mr. HALL. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though we do not have opposition to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, this amendment requires the Secretary of Energy to work with the Secretary of Transportation and report to Congress on the potential fuel savings from utilizing advanced technology. I think we have seen dramatic strides in technology in systems that help consumers in their drives on the road as well as business opportunities and then through communities, so we feel it will be helpful. We are pleased with the amendment, support it, and urge its passage.

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

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

The Acting CHAIRMAN. The gentleman from New Jersey has 2 minutes remaining.

Mr. HOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time and permitting me to speak on this and for his bringing this forward. It is an example of where we can take steps forward to deal with how we put the pieces together in terms of transportation.

Intelligent transportation has tremendous potential for energy savings, to put money back in the pockets of taxpayers and consumers around the country; and it is an example that we do not have to make this equation quite as hard as we tend to on the floor of the House. This, I hope, is going to lead to a broader sense of application about how we squeeze more value.

I appreciate the gentleman's leadership in focusing on the notion of the $800 billion that is spent dealing with energy in this country. That is $800 billion; yet the amount of money that is spent in research for government and for the private sector is arguably less than 1 percent, less than for any other major sector of our economy.

I appreciate my colleague's leadership in focusing on what impact research and technology can have in this critical area. By focusing on intelligent transportation, it will be one important area of research application that will make a difference for millions of Americans, it will save hundreds of millions of gallons of fuel, and it will improve the quality of life for our communities in the offing.

This is the sort of approach that will truly make our communities more livable, make our families safer, healthier, and more economically secure. I appreciate the gentleman's leadership and strongly urge the adoption of this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 27 printed in House Report 109–49.

AMENDMENT NO. 27 OFFERED BY MR. GRIJALVA

Mr. GRIJALVA. 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. 27 offered by Mr. GRIJALVA:

Strike section 2005.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA).

□ 1345

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

Mr. Chairman, my amendment would strike section 2005 of H.R. 6. This section of the bill requires the Secretary of the Interior to suspend collection of royalty fees from oil and gas companies operating in the deep waters of the Gulf of Mexico.

The authors say this provision is needed to ''encourage'' oil and gas companies to explore for and produce oil and gas at water depths greater than 400 feet in the Gulf of Mexico.

Let there be no misunderstanding. This royalty relief is a subsidy to oil and gas companies. It is unnecessary and is nothing more than corporate welfare for the oil and gas industry. Subsidies will not increase production of domestic oil and gas. The Energy Information Administration and Interior Secretary Norton have both asserted that subsidies would do little to enhance domestic production of oil and gas.

Even the President, a former oilman, recognizes that royalty relief is not a good idea. Just yesterday he said, ''With oil at more than $50 a barrel, by the way, energy companies do not need taxpayer funded incentives to explore for oil and gas.''

Mr. Chairman, the deep waters of the Gulf of Mexico have seen consistent and striking growth in oil and gas exploration for 10 straight years. Deepwater projects have increased by 51 percent since 2002. Clearly no one needs an incentive to explore for oil and gas in one of the most vital areas in the world. Therefore, there was no rational justification for this section. It is just more special treatment for oil and gas at the expense of everybody else.

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

Mr. JINDAL. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN (Mr. SIMPSON). The Chair recognizes the gentleman from Louisiana (Mr. JINDAL) for 5 minutes.

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

I rise in opposition to this amendment, and coming from south Louisiana, I would like to provide some guidance and clarify some of the misleading facts that surround this issue.

We know the production off the coast of our State is important to meet the Nation's energy needs. Congress did a good thing back in 1995 in passing the Deep Water Royalty Relief Act. That act did a simple thing. It provided automatic royalty relief for new leases for 5 years in the deep waters of the Gulf of Mexico.

For those who would argue nothing happened, I would say, Look at the numbers. In 1995, we averaged just over 1,200 leases. After that act, the number of active leases increased up to 3,300 leases. This is not a giveaway. We actually generated more, not less, money for the Federal Government. Our lease bid revenues increased from $800 million in 1995 to over $1.5 billion in 1996, almost $2 billion in 1997.

I rise in opposition to this amendment because it would cost the Treasury, and it would decrease the supply of domestic energy which this bill is trying to increase.

Third, this is not a giveaway but rather there are price thresholds and safety mechanics. The Secretary of the Interior already has the regulations and the ability to say, as the MMS does today, if the price of oil is over, let us say, $34 per barrel, these royalty relief provisions do not go into effect.

The language as written is commonsense language that encourages production and allows large investments. We are talking about investments of hundreds of millions of dollars, maybe a billion. We are talking about drilling in deep water where there is great risk. This relief provision allows these companies to get the access to capital they need to take these risks.

I rise in strong opposition to the amendment. The current relief provides jobs in my State and provides energy for our country and lowers the price of energy for our industry.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, I must rise in opposition to this amendment. Knowing the economy of Louisiana and particularly south Louisiana, my district is very reliant on the oil and gas industry. The gentleman from Louisiana (Mr. JINDAL) gave some numbers that apply to what has happened with the leaseholds out on the Outer Continental Shelf in recent times. Just at Port Fourchon, which is the focal point for the Gulf of Mexico for oil drilling, deep and shallow water, we have increased the number of jobs there by thousands. We have 125 companies that have located at Port Fourchon, and there are 25 companies presently on the list waiting for locations to open up at the port.

I am concerned, as most are, about the energy crisis in this country. I understand my colleagues' concern about subsidies and big oil, as everyone describes it. At the same time, in order for us to reach some independence, we need to continue to encourage deep water, shallow water, oil, gas and every type of mining that will help us get out of this problem.

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

Mr. GRIJALVA. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources.

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

Mr. RAHALL. Mr. Chairman, and both sides of the aisle, I stand with President Bush on this issue. The President has said, ''With oil at more than $50 a barrel, by the way, energy companies do not need taxpayer-funded incentives to explore for oil and gas.'' That was President George W. Bush in the Washington Post, April 21, 2005.

This amendment protects the taxpayer. This amendment is vital to restore some semblance of sanity to this legislation. To my colleagues from the Gulf States I would say, vote for this amendment if you also support the provisions in H.R. 6 to distribute $500 million in OCS revenues to coastal States and to redirect $2 billion in OCS to alter deep water research. If you support that, you simply cannot have it both ways. There will not be revenue enough for you to distribute if we do not collect the royalties on OCS production.

I urge my colleagues, and from the Gulf States especially, to support this amendment, and also I urge my colleagues on both sides of the aisle, support President Bush on this.

Mr. GRIJALVA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, of all of the subsidies and all of the giveaways in this bill, this one itself may be the most egregious. This is royalty relief to those companies who are drilling in deep water. These companies are drilling in deep water no matter what they do because that is where the oil is, and it is very lucrative to do so.

The gentleman from Louisiana defends this provision saying they have a cutoff when the price of oil goes up. When this provision was put into law, the cutoff was $28 a barrel, but the Secretary did not cut it off. When it got to $30, the Secretary did not cut it off. When it got to $40 and $45, the Secretary did not cut it off. When it got to $50, the Secretary did not cut it off. And today, when it is $52, the Secretary has not cut it off.

This is not about royalty relief, this is about a handout to the most profitable companies in the United States. This is about a handout to these companies to drill the public's oil.

Of the 132 million barrels of oil they have produced, 76 percent are royalty free. That means Mr. and Mrs. Taxpayer in America did not get the royalties that these companies should have paid them to drill on the public lands that the taxpayers of this country own. That is why this amendment should prevail.

The gentleman from Arizona (Mr. GRIJALVA) is right. He is a hero to the taxpayers.

Mr. GRIJALVA. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Chairman, I rise in support of this amendment to make this junk food energy bill just a little bit healthier.

Members, help me with this quote: ''I tell you, with $50 oil, we do not need incentives to oil and gas companies. There are plenty of incentives.'' No, this was not some liberal, left-wing environmental activist. You are right, it was the President of the United States, who comes from the oil industry, that recognizes that the oil companies are awash with profits.

During President Bush's 2000 Presidential campaign, he railed against the so-called royalty holiday saying that it was, and I quote, ''Giving major oil companies a huge tax break.''

Agree with the President of the United States, agree with us, accept this amendment.

Section 2005 waives Federal royalty collections from offshore oil and gas production on the Outer Continental Shelf. Added to the rest of Title 20, this will put $483 million of taxpayer money into the already deep pockets of big oil during a time in which they are reaping record profits. In fact, an April 8, 2005 Wall Street Journal article relates the news that Exxon Mobile recently reported a fourth-quarter profit that amounted to the fattest quarterly take for a publicly traded U.S. company ever: $8.4 billion.

Do big oil companies like Exxon really need taxpayer-provided ''incentives'' to explore and drill? President Bush doesn't think so.

In addition, the oil royalties the Federal Government does not collect from big oil will starve the Land and Water Conservation Fund of critical financial resources. The Land and Water Conservation Fund provides special protection for some of our most precious wildlands and has been a valuable tool for nearly 40 years. A portion of revenues from oil royalties is dedicated to this special fund for acquisition and conservation of natural places and habitat. Without these oil royalty revenues, State environmental protection efforts will suffer.

In a time of serious budget deficits, immense war costs and a sluggish economy, we cannot afford to grant such outlandish subsidies to some of our Nation's largest corporations. I urge my colleagues support the Grijalva amendment.

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

H.R. 6 guarantees an additional financial windfall, courtesy of the taxpayers, for oil and gas companies already reaping and sowing profits, record profits, and provides absolutely no guarantee of relief for the high price that consumers are paying for their gas and oil.

I urge Members to reject this approach and, instead, support my amendment which brings some semblance of fiscal responsibility to H.R. 6.

I find it ironic that the provision this amendment attempts to strike would stop the collection of royalties, yet throughout H.R. 6, the $2.5 billion in subsidies that the gentleman from West Virginia (Mr. RAHALL) pointed out, $2 billion of which go to the ultra-deep provision, is so strongly supported by the majority leader. I think it is time for the Members of Congress to say in terms of subsidies and handouts to rich, profitable companies, When is enough enough? I urge a ''yes'' vote on this amendment.

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

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

I agree with my colleagues and I agree with the President. I agree, with the price of oil above $50 a barrel, we do not need relief. This provision does not do that.

Let me be clear. Under the current MMS rules, what this provision would do would simply provide relief for those companies making multiyear in many cases, multi, hundreds of millions of dollars of investments to produce oil for our country's needs.

We have a choice. Many of my colleagues do not want us drilling for oil off the coast of Florida and do not want us to drill for oil off the coast of California. I would ask those colleagues to join with me in providing incentives so we can drill for oil in the deep waters of the Gulf of Mexico.

The people of Louisiana welcome this production. We know it is good for our State, our country, and for our economy. We have a choice. We have to meet the growing energy needs of our country.

What this provision simply does is make it economical for companies to take greater risk than they have ever had to take before to allow them to raise the capital and spend hundreds of millions of dollars, maybe even a billion dollars, on these rigs to produce the energy that our country so desperately needs, that our farmers need, that our petrochemical industry needs.

We have a choice. We do stand with the President saying, No, we do not need relief at $50, but we do need relief to make sure that there continues to be production, especially if the price falls below that threshold.

But we have a choice: Do we produce our own energy needs, or do we become increasingly dependent on foreign sources? We have a choice. Do we drill in the deep waters of the Gulf of Mexico where such production is welcomed and invited, or do we look to other areas where that production is not welcomed and not invited?

I do stand behind our President, and I invite my colleagues to also stand with our President and support the language as written, support the overall energy bill, and vote for domestic production. Vote to keep manufacturing in our country, vote so we can become more independent of foreign sources of energy.

The language as written is good language. It does not provide relief today. It does not provide those incentives today, but it allows companies to raise money to take risks to produce our country's domestic energy needs.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

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

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) will be postponed.

AMENDMENT OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment to strike an unfunded mandate.

The Clerk read as follows:

Amendment offered by Mrs. CAPPS:

In title XV, in section 1502, strike '', or methyl tertiary butyl ether (hereinafter in this section referred to as 'MTBE')'' and strike ''or MTBE'' in each place it appears.

The Acting CHAIRMAN. Pursuant to the order of the Committee of today, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Texas (Mr. BARTON) each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I yield myself 1½ minutes, and appreciate the opportunity to bring this amendment to strike an unfunded mandate to the floor for debate.

Mr. Chairman, this motion would do one thing: It would strike the safe harbor provisions for MTBE which CBO has identified as an unfunded mandate. This is CBO's analysis of the bill, and I quote, ''Section 1502 would shield manufacturers of motor fuels and other persons from liability for claims based on defective product.

''The provision would impose both an intergovernmental and private sector mandate as it would limit existing rights to seek compensation under current law.''

This provision in H.R. 6 transfers the cost of cleanups from responsible parties to constituents. It is an unfunded mandate, and it should be stricken from the bill.

□ 1400

Mr. Chairman, this is a bad provision. MTBE contamination has averaged over 1,800 water systems in 29 States. Cleanup costs are at least $29 billion. MTBE contamination is a huge problem, and it is not going away.

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, there are so many ways to oppose this particular amendment that I am at a little bit of a loss as to which way to start in opposition, but I think I will start first on the procedural opposition. This is basically the same vote and the same amendment that the gentlewoman from California (Mrs. CAPPS) had a vote on yesterday on a point of order before consideration of the rule. That was defeated overwhelmingly, in the neighborhood of 231–188 or something like that. To give her credit, she has come back and she and her allies have found a way to use the rules to come up and get a second bite of the apple. But my first line of opposition is that if you voted against it yesterday, you ought to vote against it today.

Secondly, I want to talk about the concept that is embodied in the Capps amendment, that somehow this is an unfunded mandate. What she is seeking to strike is a provision in the underlying bill which was in the bill last year that says you cannot de facto go in and in an existing lawsuit state that MTBE, because it is MTBE, or also ethanol, is defective because of its chemical composition.

You have to prove that it is defective, not just say that, because it is what it is. It is similar to saying this piece of wood that this table is made of is defective because it is wood. That is a very limited safe harbor provision. The gentlewoman from California (Mrs. CAPPS) would strike that. CBO last year looked at this language and said there is no unfunded mandate. In fact, several years ago in the medical malpractice legislation where we capped damages, capped awards, CBO said that is not an unfunded mandate. But this year the CBO analysts in question looked at it and said, while the evidence was difficult to ascertain, it could be construed as an unfunded mandate.

The lawsuits that have been filed and could be filed are going to be filed on a wide range of issues. Any particular court and any particular jury may find in this case or that case and we are not precluding that, but to somehow say that now because if the safe harbor provision were to become law that you would actually have to prove MTBE was defective, that somehow that is an unfunded mandate to me is just beyond the pale.

I have got several court cases that have already been considered on the defective product situation with MTBE, and I would like to read those right now. In a New Jersey case, a court ruled that MTBE was an oxygenate that Congress contemplated would be used frequently. Therefore, the court found: ''Because Congress required that gasoline include an oxygenate and specifically designated that MTBE would be one of the most common and effective oxygenates, this court concludes that gasoline containing MTBE cannot be deemed a defective product.''

A California court, the State the gentlewoman hails from: ''Federal law permits the use of MTBE, and the supremacy clause precludes State tort liability from attaching based on the mere use of this allowed option.'' The court reasoned that: ''Permitting plaintiffs to pursue their common law claims conflicts with the reformulated gasoline and oxygenated fuels provisions of the Clean Air Act and the regulatory actions taken under it.'' We have other court cases that we can put into the RECORD.

We have got several lines of opposition here. The first line is that we have already had the vote. We have the second line that this is not an unfunded mandate because we are not precluding what States can or cannot do in the future. And under current law, the cleanup costs are borne 96 percent by the parties, not borne by the States. You have to have an orphaned site before the State would even come into it. So we think the allegation that it is unfunded is spurious on the measure.

And, lastly, on the item of whether MTBE is defective as a product just because it is MTBE, it has clearly been ruled in several cases, and common sense would dictate, that something that is made properly and used properly and actually cleans up the air, there is no way that can be a defective product.

I am giving Members three lines of reasoning to vote against the Capps amendment, and I would hope that when the vote comes that we keep the language in the bill and we are able to go to conference with the Senate and continue to work to find a compromise if we need to do more to expedite the cleanup in those States that have MTBE contamination.

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

Mrs. CAPPS. Mr. Chairman, I am honored to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentlewoman from California for yielding me this time, and I thank her for her leadership on protecting the environment and the health of America's children. I particularly commend her for her resourcefulness in bringing this amendment to the floor. Because of a letter dated April 19 from the Congressional Budget Office which deems the MTBE giveaway an unfunded mandate, the gentlewoman from California (Mrs. CAPPS) was able to bring this amendment to the floor. I thank the gentlewoman from California. It is important to all who care about the health of our children.

I rise in support of the gentlewoman from California's amendment to strike, really, this disgraceful MTBE giveaway, and I commend her for seizing the opportunity to offer this amendment.

Mr. Chairman, as we discussed yesterday in general debate, a few drops of MTBE can poison an entire drinking water system. But the industry lobbied for MTBE to be added to gasoline, anyway. The dirty little secret is that the industry knew all along that MTBE could leak out of gasoline storage tanks and contaminate groundwater. In fact, there was a deliberate attempt by the MTBE producers to hide the groundwater impacts of their product from Congress.

Today, communities across America are suffering the effects of MTBE. MTBE contamination of groundwater and surface water is a major problem in my State of California, and many drinking water wells have had to be shut down because of this contaminant. MTBE contamination has been detected in all 50 States, and a recent study indicates that it costs between $12 billion and $63 billion to clean it up. It will cost between $12 billion and $63 billion to clean it up, to clean up something that the industry knew was dirty to begin with and withheld information about that from Congress.

Not surprisingly, the MTBE producers and the big oil companies want to be protected from liability for contaminating our drinking water supplies. And not surprisingly, TOM DELAY and House Republicans are happy to oblige. The gentleman from Texas insisted on the MTBE provision in the last Congress, even at the cost of killing the energy bill. He insisted on it again this year. In fact, this is the majority leader's bill we are debating today.

Instead of eliminating MTBE now, the Republican energy bill gives 9 years for a phaseout, 9 years of MTBE leaking into our water supply. And a loophole in this very law may even allow MTBE to be used indefinitely. It gives MTBE producers liability protection in contamination lawsuits, and it gives a $2 billion subsidy to MTBE manufacturers.

Let me repeat: this is a contaminant, a small supply of which can poison a water supply. And this bill is giving the manufacturers 9 years to phase it out and a loophole that may even make the use of MTBE indefinite. It is saying that you have no liability, MTBE manufacturers, for contamination, no liability, long term to phase out, if ever; and third of all, we are going to fund it. For $2 billion, we are going to give a subsidy to MTBE manufacturers.

According to the Republican Congress, the punishment for polluting the groundwater, if you pollute our groundwater, you get $2 billion. That is your gift for contaminating our groundwater. Republicans are not even giving MTBE polluters a slap on the wrist. They are giving them a pat on the back. But in their attempt to shield MTBE producers and big oil companies from accountability, Republicans have created a huge unfunded mandate for States and localities, and it is taxpayers who are stuck with the bill.

Remember unfunded mandates? Was that not principle number one of the Contract with America, no unfunded mandates? Here it is. The CBO, the

Congressional Budget Office, nonpartisan CBO, says that this amounts to an unfunded mandate. That is why the gentlewoman from California (Mrs. CAPPS) was able to get this amendment made in order under the rules.

And then in their attempts to shield MTBE producers and big oil companies from accountability, Republicans have created this unfunded mandate, which is called such by the National Water Resources Association, the American Public Works Association, Western Coalition of Arid States, American Water Works Association, the Association of Metropolitan Water Agencies, the National Association of Towns and Townships, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors. These organizations say that this provision agrees with the Congressional Budget Office that it amounts to a massive unfunded mandate on local governments and citizens.

Republicans used to oppose these, as I mentioned; and the rules of the House still allow us to strike them. I thank the gentlewoman from California (Mrs. CAPPS). I urge my colleagues to support the Capps amendment and to demand accountability and to stop the outrageous MTBE giveaway.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I guess this is a postponed vote on MTBE. It is an issue we have been dealing with, at least in the Committee on Energy and Commerce, for a number of years. MTBE was mandated, maybe not specifically in the Clean Air Act of 1990, but reformulated gas was. And for an area like I have in Houston, we have been using MTBE as a reformulated gas in our gas to clean up our air because it replaced the lead that we used to have because lead was polluting. And now we find out that MTBE does not smell or taste good and that is right. But whatever we have in our gas tanks is not something else we want to smell or taste, either. We may not be able to taste the benzene and everything else.

But EPA informed Congress in 1990 that a reformulated oxygenate requirement would be met almost exclusively by MTBE, and congressional statements at the time reflect that knowledge. Nowadays you can use ethanol, which comes a long way, or MTBE.

It is true MTBE existed before the Clean Air Act of 1990. In fact, it was first approved by the EPA in 1979 to comply with another Federal gasoline mandate, in reducing lead. EPA followed the legislative history of the Clean Air Act and its scientific analysis and repeatedly reaffirmed approval for MTBE. The reason this bill has this provision in here is because we mandated reformulated gas in certain areas, including the district I represent. We have not had trouble with MTBE in groundwater or surface water pollution, at least in the Houston area. I know some parts of the country have.

The oxygenate requirement has done a great deal to clean up our smoggy urban air; and to this day the EPA will talk about the success of it, particularly in the Houston area. MTBE is on the way out and being cleaned up around the country, regardless of the amount of litigation. Tank owners, insurance and State funds are doing the real work, 96 percent of all cleanups according to the EPA. A case in point, the city of Santa Monica is suing its former law firm over the $66 million legal bill for its trouble in suing over MTBE.

□ 1415

I guess the concern I have is that MBTE, if it is a defective product, we mandated it. And let me quote from some of the remarks earlier in the Clean Air Act. We had Members who are still sitting Members of Congress who were bragging about, we mandated the oil companies to be able to do stuff, for cleaning up our air; and yet nowadays, 10 years later, 15 years later, we are going to say, no, they are responsible, even though we told them to do it, and it has been successful.

My concern about the loss of MBTE, we cannot trade clean air for clean water; we have to have both. And there is a way we can have both, but not by taking away the ability to have MBTE, which is probably the most in use because it is the most efficient in reformulated gasoline.

But, again, Congress made a decision to deal with ethanol more than MBTE, and that will happen. This bill allows for fixing the best by using the Leaking Underground Storage Tank fund, and that will go a long way to help us.

Mrs. CAPPS. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Rhode Island (Mr. KENNEDY).

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Chairman, on behalf of the citizens of Pascoag, Rhode Island, who have lived with contaminated water from MBTE, I rise in support of the Capps amendment.

I would like to thank my good friend Congresswoman CAPPS for fighting to bring this debate to the floor today.

I have seen firsthand the devastation that the gasoline additive MTBE can have on our local communities.

In my home state of Rhode Island, the citizens of Pascoag were unable to use their water for months due to this contamination.

No child should have to turn on the water faucet to have their tap water smell like turpentine.

But the provision in this bill that seeks to protect MTBE manufacturers is simply yet another one of many that puts the needs of individuals and families below the requests of industry in this dangerous bill.

I urge my colleagues to take a stand for the forty-five million Americans whose water systems have been affected by MTBE contamination and vote to strike this provision from the bill.

Mrs. CAPPS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN), who represents Santa Monica, where a huge MBTE pollution problem has occurred.

Mr. WAXMAN. Mr. Chairman, the Republican leadership in the House has done everything it could possibly do to keep us from voting on this issue. They so badly wanted to protect the oil companies and to push the costs onto the local governments to take care of the polluted drinking water.

We had a vote earlier, as the gentleman from Texas (Chairman BARTON) indicated, but it was on a procedural vote. Now we have a vote on the merits. And if we do not support the Capps amendment, we are keeping this unfunded mandate in the bill and our local governments are going to have to pick up the billions of dollars of costs to clean up the drinking water.

That is why it is an unfunded mandate. And that is why I am speaking for the Republican side of the Chamber, because the Republicans came in under the Contract with America and said, We want to do away with unfunded mandates, and we will let them be challenged on the House floor.

And I congratulate the gentlewoman from California (Mrs. CAPPS) for bringing this to the House floor under a procedure that the Republicans allowed.

States' rights, that used to be a Republican position. But this bill has the view that Washington knows best. So we do not let States decide things anymore. They cannot regulate, or participate even, in key energy decisions affecting States and localities such as LNG facilities or relicensing of hydroelectric dams. Washington knows best. And in this bill the most egregious example of arrogant centralization of power in Washington is this massive unfunded mandate.

We have heard that Congress insisted that MBTE be used for reformulated gas. That is not true. Under the Clean Air Act, we required reformulated gasoline, but we left it to the oil companies to decide how to do that, and they were using MBTE before the 1990 Clean Air Act was adopted. Now that we know what they may have known in advance, that MBTE can cause problems in our drinking water, they want to shift the costs from the oil companies that have caused the pollution to the local taxpayers.

I remember when Republicans would have objected to this. And I hope today they will object to it as well. And I guess the Republican leadership fears that they might, because that is why they have gone to such enormous lengths to not allow anybody in this Chamber to vote on this specific issue. Every time we asked the Committee on Rules to allow a motion to strike be in order, they denied it. There was a point of order raised, and that way they were able to keep us from voting on it.

But thanks to Newt Gingrich and the Contract with America, we have this way of bringing the issue on the merits. Vote for the Capps amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Briefly, before I yield time to the gentleman from New Hampshire (Mr. BASS), just to make one major point, we were not aware that this amendment might come up today. We were not even told it could until we walked on the floor and saw the gentlewoman from California (Mrs. CAPPS). That is point number one.

Point number two, when we huddled at the leadership level to decide what to do about this, I was given several parliamentary options to try to defeat any kind of an effort to have a substantive debate, and I chose not to do that. I made the decision that if the gentlewoman from California (Mrs. CAPPS) and her allies were smart enough to figure out a way to use the House rules to get her vote up, she ought to be given that chance to do it. And I had several opportunities to gimmick the rules up and do complicated parliamentary procedure that would have obfuscated the issue.

So I do not want to come onto this floor and be told that somehow I have tried to be unfair or prevent an honest debate.

I will be honest, I would rather not have this debate right now. But we are going to have it, and let us have a substantive debate. I am fine on that.

The second point I want to make is, I am not going to disparage what the gentleman from California (Mr. WAXMAN) just said, but when we were debating these amendments back in the early 1990s, we had numerous instances where he went on record saying that MBTE was something that should be included as an oxygenate. He even offered an amendment in committee to increase the oxygenate requirement to 3 percent.

If I am correct, then I will let him look at the statements and tell me that they are incorrect.

I am for a fair and open debate.

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

Mr. BARTON of Texas. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me.

We called for reformulated gasoline. We did not spell out how that was to be done. We did not spell out the technology. We said to the oil companies, You figure out how to do it. They could have done it with ethanol. They chose reformulated gasoline. What we wanted was cleaner gasoline, and they did not have to use MBTE.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I want to read a quote and have the gentleman tell me whether he thinks he said this or not.

I quote from the gentleman from California (Mr. WAXMAN): ''This level of oxygenation, required in the Clean Air Act amendments, is high enough to achieve most of the benefits of oxygenated fuels but low enough to allow several different oxygenates to compete for market share. The leading oxygenates are ethanol and ethers made of ethanol, ETBE; or methanol, MBTE.''

That is attributed to the gentleman as a direct quote. Is that correct?

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, I will assume that it is a correct quote, but let me tell the gentleman that was not the only choice they could have made, and they knew evidently, from what we are learning, that MBTE was a problem. They could have used ethanol.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I am not saying that he stipulated that MBTE had to be used. I am stipulating that he knew it could be used. And he is entitled to change his mind, change his position. It is a free country. But at one time he thought that MBTE could help clean up the air. That is all I am saying.

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, he is correct. But we did not know at that time that it was going to pollute the drinking water.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. BASS).

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

As we can tell, this is the kind of issue that we could spend the next 10 years debating.

I want to solve the problem. The problem is not going to be solved by filing lawsuits, by scoring political points, by paying huge legal fees to the trial bar, waiting year after year after year while constituents of all of us wait for some kind of remediation.

Sure, claims have been filed, almost 100 of them, I understand. There has not been a single judgment to date. There have been some settlements, but there has not been a single judgment rendered. I do not call that a safe way to procure that our constituents get their water cleaned up.

Last year CBO said that this was not an unfunded mandate. This year another analysis says it is an unfunded mandate.

As one who served on the Committee on the Budget and was here in 1995, I would suggest that this would be classified, if one is an accountant, as a contingent unfunded liability or a hypothetical unfunded liability. But it will not be that way in the end because there are two choices that we face here today: an easy choice, which is to vote ''yes'' and to have the status quo and to go forward as we have in the past; or the hard vote is to really solve the problem.

Having voted to strip MBTE provisions from this bill last year, I am voting the other way this year, and I am proud of it, and I will tell the Members why. I have established it with the chairman, a task force that is going to work between now and conference time on a plan that will structure a remediation program that will clean up the water, not 10 years from now or 20 years from now, not unfairly in this community and not in that community and not in this State or that State, but across the whole country.

My constituents deserve a workout for this problem, and we as policymakers have an obligation to work together in a bipartisan fashion in our conference to come up with a solution.

It is my hope that this solution will include the creation of a fund that will include participation by all the potentially responsible parties, a way to settle claims in a quick and fair fashion that reduces the overall cost.

I do not want to see communities like South Tahoe City suing their own lawyers to try to get the money back so that they can actually perform the remediation that they had planned to do and might have been able to do if it had been settled in such a fashion so that they did not have to deal with other costs. I want to see a fund created that will really resolve this issue.

Please allow this bill to go forward to conference, and when we come back with a conference product, it will be a product that my constituents who have been hurt by MBTE contamination will see their wells cleaned up, will see adequate compensation to redress their issues; and we will have the problem resolved, and we will end this endless fight that we could have if we do nothing.

I urge opposition to the pending amendment.

Mrs. CAPPS. Mr. Chairman, I yield myself 15 seconds.

In response to the gentleman from New Hampshire (Mr. BASS), I show him the headline in the newspaper of a little town in my district, where they had to sue Chevron for $9 billion for contamination of the water supply and it was settled out of court. They never would have gotten the settlement without the lawsuit.

Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce.

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

Mr. DINGELL. Mr. Chairman, my good Republican colleagues and friends are seeing something that they made possible today. Years ago, in 1995, they passed the Unfunded Mandates Reform Act. They should recognize this. They said how this was going to stop the imposition of unfunded mandates upon communities and States.

That is exactly what the amendment does. If they had been fair and given this a decent rule, then we would have been able to debate these in a proper fashion and they would not be complaining about surprise.

But having said this, there are some 80 lawsuits that are going to be able to go forward. The judge had this to say

about these kinds of lawsuits, and, by the way, they are in New York and New Hampshire: ''Innocent water providers and, ultimately, innocent water users should not be denied relief from the contamination of their water supply if the defendants breached a duty to avoid an unreasonable risk from their products.''

This bill is an immunity bath for MBTE manufacturers and for the refineries. That is wrong.

It should be possible for there to be responsibility where the polluters pay, and that is exactly what this amendment allows. It leaves ethyl alcohol and other renewables okay, but it removes MBTE from the liability waiver.

APRIL 5, 2005.

OPPOSE THE MTBE LIABILITY WAIVER

DEAR MEMBERS OF THE HOUSE ENERGY AND COMMERCE COMMITTEE: the undersigned organizations—representing thousands of mayors, city council members, county officials, towns and townships, drinking water systems and public works departments—reiterate our strong opposition to providing product liability immunity to the producers of MTBE.

The liability waiver amounts to a massive unfunded mandate on local governments and citizens.

MTBE producers, according to documents in recent litigation, put this contaminant into commerce knowing it could contaminate drinking water supplies. Under the MTBE product liability waiver, these producers would be rendered unaccountable.

Thousands of water sources have been contaminated, and as MTBE spreads, more and more communities will be forced to shut down wells or undertake a costly cleanup program.

Here are some important facts to remember.

1. MTBE was never mandated, and Congress is not obligated to provide the producers ''safe harbor.'' And, regardless, the producers put MTBE into gasoline well before the Clean Air Act Amendments of 1990 and with knowledge of its environmental dangers.

2. One estimate by experts puts the cleanup cost in excess of $29 billion.

3. The liability waiver would retroactively block hundreds of communities' legitimate suits that have been filed already and could preempt hundreds more, leaving communities with a multi-billion dollar unfunded mandate from Congress.

4. The Leaking Underground Storage Tank fund was not intended to address the overwhelming amount of contamination communities are experiencing. Moreover, taxpayers should not pay for MTBE cleanup.

Please oppose the MTBE liability waiver.

Sincerely,

Tom Cochran, Executive Director, The U.S. Conference of Mayors; Donald J. Borut, Executive Director, National League of Cities; Larry Naake, Executive Director, National Association of Counties; Allen R. Frischkorn Jr., Executive Director, National Association of Towns and Townships; Diane VanDe Hei, Executive Director, Association of Metropolitan Water Agencies; Jack Hoffbuhr, Executive Director, American Water Works Association; Steve Hall, Executive Director, Association of California Water Agencies; Peter B. King, Executive Director, American Public Works Association; Larry Libeu, President, Western Coalition of Arid States; Thomas F. Donnelly, Executive VP, National Water Resources Association.

Mrs. CAPPS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the gentlewoman for yielding to me this time.

Mr. Chairman, I rise to support the Capps amendment. And it really is a mystery to me why we are even where we are right now. I think that, collectively, the House of Representatives should remember that this very provision took down the entire energy bill in the last Congress. That is how important this provision is.

Now we have this debate about whether polluters should pay. I do not care what district anyone represents in this country. No constituent is going to stand up and say, Put the tax burden on us and allow the industry to get away with it.

That is what this amendment is about. That is why we should all vote for the Capps amendment.

The base bill contains a provision that creates a safe harbor. What does that mean? It lets the industry off the hook. It relieves the industry of any obligation to pay even a portion of the estimated $29 billion of cost of cleaning up drinking water that has been contaminated by this product.

□ 1430

We know the product has contaminated groundwater. Now we are sending the bill to local governments.

The National Association of Counties, the National League of Cities, attorneys general from across the United States have weighed in. This is not just simply a matter of who pays. It is also a matter of public health.

I agree with my colleague, the gentleman from New Hampshire (Mr. BASS). Of course it is a matter of public health. Why do we need a task force to try and figure this out? Let us make the bill right. Let us not stand on the wrong leg and try and defend something that is indefensible. This is an unfunded mandate. The CBO has weighed in and said that. The Congress has responded to unfunded mandates by having rule XVIII in the House rules.

So I ask my colleagues on a bipartisan basis, let us do the right thing. Let us pass the Capps amendment.

Mr. Chairman, the base bill contains a provision that creates a ''safe harbor'' preventing defective product claims against the producers of gasoline that contains MTBE.

What this ''safe harbor'' does is relieve industry of any obligation to pay even a portion of the estimated $29 billion cost of cleaning up drinking water that's been contaminated by its product.

Instead, the burden of MTBE clean up will fall entirely on States and localities.

It's an unfunded mandate and a tax on the American people.

In California, successful lawsuits have led to substantial settlements with oil companies, and these settlements have enabled some communities to begin cleaning up their drinking water supplies.

Now, because communities are winning these suits, industry wants Congress to let it off the hook.

But this isn't simply a matter of who pays; it's also a matter of public health.

MTBE is a potential carcinogen. It's been detected in groundwater in all 50 States.

When MTBE is in drinking water, we need to clean it up.

In response to the public health threat, 42 States have established action levels, cleanup levels, or drinking water standards for MTBE; 19 States have imposed full or partial bans on MTBE in gasoline.

In justifying the ''safe harbor,'' some will claim that Congress established a mandate to use MTBE when it passed the Clean Air Act's 2 percent oxygenate requirement in the early 1990s. That's not true.

First, the industry didn't have to use MTBE to meet the oxygenate requirement; it had alternatives such as ethanol and other petroleum-based products.

Second, the industry lobbied Congress to ensure that MTBE could be used to meet the oxygenate requirement.

Third, at the time Congress was debating the oxygenate requirement, some producers already knew MTBE was likely to seep into groundwater at faster rates and persist at greater levels than other gasoline components. In fact, in the South Lake Tahoe lawsuit, ARCO admitted that it withheld information about groundwater contamination from Congress.

Mr. Chairman, we're not talking about clean hands here. There's a reason the refiners and the MTBE producers are losing in court; there's a reason they're settling claims. They're responsible for the mess.

Why are we creating a safe harbor for them?

Nobody outside of the industry thinks this provision is a good idea.

In 2003, 14 attorneys general, including the attorneys general of California, New York, Colorado, Connecticut, Illinois, Maryland, Massachusetts, Minnesota, New Hampshire, New Mexico, Rhode Island, Vermont, Washington, and Wisconsin wrote in opposition to providing a safe harbor for MTBE.

In April of this year, the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the Association of California Water Agencies and other sent letters voicing their opposition.

This is a bad provision and we should strip it from the bill.

Vote for this amendment.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to my colleague, the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in support of the Capps amendment. This is really about what are we really doing here in Congress. Are we here to protect the profits of oil companies, or are we here to protect the States and communities from which we come?

Let me just tell my colleagues the story as it applies to me. In 1995, reformulated gas containing MTBE entered the marketplace in Maine. Two years later, the Maine Bureau of Health reported that they found MTBE in 7 percent of Maine's public water supplies.

One year later, in 1998, it was found in 16 percent of Maine's water supplies. So that is how we learned about MTBE.

But let us just go back 15 years, go back 15 years. In 1981, Shell engineers were joking that MTBE stood for Most Things Biodegrade Easier, or Menace Threatening Our Bountiful Environment, or Major Threat to Better Earnings.

We have had a discussion here about what Members of Congress knew back in the 1990s. What we know now is that the industry knew in the early 1980s that this was a hazard to groundwater and they went ahead and put it in the gasoline anyway. So now the question is, who pays? The manufacturers or the taxpayers in all of our communities? The majority is saying the taxpayers should pay.

Well, there is a court in Manhattan yesterday, New York Federal District Court refused to dismiss 80 lawsuits brought on the ground that the majority is trying to eliminate, and the judge said, innocent water providers and, ultimately, innocent water users, should not be denied relief from the contamination of their water supply if defendants breached a duty to avoid an unreasonable risk of harm from their products. That lawsuit includes the State of New Hampshire as plaintiff, many municipalities, the City of New York.

So here we are, here we are. Who will pay? The majority says, certainly not the manufacturers. The Capps amendment and we say, those responsible should pay.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to my colleague, the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I also rise to support the Capps amendment to eliminate MTBE, the safe harbor liability.

The provision, as many of my colleagues know, is an unfunded mandate on our communities and water providers. In fact, I will submit for the RECORD a list of 10 of those major organizations in opposition to the MTBE liability waiver. The U.S. Conference of Mayors, National League of Cities, National Association of Counties, and the National Association of Towns and Townships are all opposed to shielding these folks.

In addition to that, I would like to tell my colleagues that right now as it stands, we are not paying for sufficient cleanup as it is of underground storage tanks where we know MTBE is leaking. We are doing a foul job on behalf of the American public. Approximately 136,000 leaks are not being addressed right now, and EPA anticipates that over the next decade anywhere from 6,000 to 12,000 new leaks will occur each year. Who is going to get caught with the tab to clean that up? Guess who? Our local townships, our local municipalities, our States, and the public.

Despite the need to clean up funds through EPA, we know that this is a wrong decision. We need to work this out. We need to make sure that we support the Capps amendment and that we do everything we can to educate the public of the harmful effects of MTBE, because in the State of California, we are plagued with having to clean up this water. We have higher standards there.

We should be looking at models, models from other States. Just as the Republicans used to agree that local control was a primary factor in their agenda back in the 1990s, now they are saying it does not cut it anymore. Our colleagues have to be clear. They have to understand that there is something very wrong with this system and that the public is crying out for elected officials like ourselves to say, this must stop. Do not hold the taxpayers liable for the corporations that are actually polluting our water.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, the Republican leadership acts as if there is one set of rules for Republicans and another set of rules for the rest of us. Well, it has taken more than 4 hours, but they have finally, reluctantly recognized that at least on this occasion a Democrat, the gentlewoman from California (Mrs. CAPPS), has a right to offer an amendment, a good amendment that strikes a provision in this bill that protects polluters and penalizes taxpayers.

For people who are not familiar with the rules of the House, here is what is going on. In 1995 the Republicans passed a law called the Unfunded Mandates Reform Act. The purpose of the law was to prevent the Federal Government from passing bills that impose unfunded mandates on our State and local governments. At the time, they touted this law as a sign that they would run the government differently and show more respect to local governments. They issued thousands of press releases patting themselves on the back for this legislative accomplishment.

Well, here is the problem. According to the Congressional Budget Office, not the gentlewoman from California (Mrs. CAPPS), not the gentleman from Massachusetts (Mr. MCGOVERN), not the gentlewoman from California (Ms. PELOSI), but according to the Congressional Budget Office, the MTBE provision in this bill is a big, fat unfunded mandate. That is the bottom line. The other side can spin it all they want, but CBO says this is an unfunded mandate.

To my friends who want to protect the polluters, I say, come up with the money to pay for it. Do not pass it on to communities that are already strapped for cash. Do not pass the buck. Cleaning up the MTBE drinking water contamination could cost our local communities as much as $29 billion.

Thanks to the Capps amendment, you will have the opportunity to go on record as to whether you favor or oppose this unfunded mandate.

To my friends who sometimes vote against things claiming that they are mere partisan procedural votes, this is different. This is not a procedural vote. This is an amendment to strike out language that gets MTBE producers off the hook for polluting our drinking water and sticks average taxpayers with the bill.

So this is a different vote from the vote we had yesterday.

Let me say to my friends in the Republican leadership, you could have avoided the scene we saw on the House floor today. The gentlewoman from California (Mrs. CAPPS) brought her amendment to the Committee on Rules Tuesday night and asked for an opportunity to consider this amendment on the House floor. But the heavy hand of the gentleman from Texas (Mr. DELAY) and the Republican leadership denied her. I am happy that we have the opportunity to right that wrong.

This vote is clear. You either favor unfunded mandates or you do not. You either want to reward polluters at taxpayers' expense or you do not.

Vote for the Capps amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The gentlewoman from California has 1 minute remaining, and the gentleman from Texas has 30 seconds remaining.

Mrs. CAPPS. Mr. Chairman, I yield the remaining time to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, three brief points. We are back here because of the obsession of the majority leader, the gentleman from Texas (Mr. DELAY), to provide the relief to the oil companies. My friend, the gentleman from California (Mr. WAXMAN), said that this was one of several oxygenated options. That is what the chairman of the committee raised. He did not pick one of them.

The second point is that we have not voted on this. The procedural vote that we had yesterday was without the focus from the CBO that this is, in fact, an unfunded mandate. The people of this Chamber will be voting with the knowledge that if they do not approve the Capps amendment, they will be imposing unfunded costs.

Last, but not least, it is obscene that we would be transferring these costs to local communities when we are giving billions to the oil companies under this bill, and they are already enjoying unprecedented profits.

It is not fair. It is not right. I strongly urge the approval of the Capps amendment.

The Acting CHAIRMAN. The gentleman from Texas has 30 seconds remaining.

Mr. BARTON of Texas. First, I yield for a unanimous consent request to the gentleman from California (Mr. DOOLITTLE).

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

Mr. DOOLITTLE. Mr. Chairman, I urge defeat of this amendment.

Mr. BARTON of Texas. Mr. Chairman, to close the debate, I yield the remaining 30 seconds to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, let me say at the beginning, I am no fan of MTBE, and my State has banned it. But let me point out a couple of facts.

In this bill, the LUST fund, Leaking Underground Storage Tanks fund, has $2.1 billion to clean up these tanks. We have an additional $1 billion for oxygenate as well. And a precedent exists. The Federal Government mandated that we had to have oxygenate in this bill in the past and we have done that before, we have done that with flu vaccine, we have done that for Biomaterials Access Insurance fund. The government mandated it. We have to protect people that carried through on those provisions.

I accept the agreement that is going to be made between the gentleman from New Hampshire (Mr. BASS) and the chairman to work this out.

Please vote ''no'' on the Capps amendment.

Mr. DOOLITTLE. Mr. Chairman, today we are about to further our independence on foreign sources of energy. I fully support that effort and urge my colleagues to do so as well. However, one item of particular concern to me is the contamination of groundwater by MTBE—a fuel additive that has been fully supported and promoted by this Congress and our Federal Government.

It is interesting to note that MTBE was first approved for use as a fuel additive by the Environmental Protection Agency, EPA, in 1979. In 1988, the EPA approved the use of MTBE once again and significantly increased the amount of it that could be used in fuel.

In 1990, Congress passed amendments to the Clean Air Act which mandated a fuel oxygenate. In its regulations implementing those amendments, the EPA once again approved MTBE for use as an additive in gasoline. These three instances show direct promotion by the Congress and the Federal Government of the use of MTBE. It is important to point out that these actions, including the amendments to the Clean Air Act, were vigorously supported by both parties in Congress and many national environmental organizations which hailed MTBE as a great victory for clean air.

While it's true that MTBE is a great product for cleaner air, it unfortunately contaminates the water. In fact, my constituents in South Lake Tahoe have personal experience with this problem because in 1996 they discovered that their water supply had been contaminated by MTBE. Consequently, 18 out of 34 wells in South Lake Tahoe were shut down or suffered limited pumping to contain the contamination. As a result, my constituents lost 3.4 million gallons of water a day.

Because I believe strongly that the Federal Government is responsible for MTBE contamination, I fought for and succeeded in getting the Federal Government to participate in the cleanup of MTBE from South Lake Tahoe water by authorizing and appropriating $1 million in the Lake Tahoe Restoration Act of 2000, P.L. 105–506. That appropriation was just a drop in the bucket, however, as the total estimated cleanup of MTBE in South Lake Tahoe is just over $69 million. These funds will be used for a combination of treating contaminated sources and drilling new wells to replace the bad ones.

The City of Santa Monica, CA, has also experienced the impacts of fowled water quality resulting from MTBE and recently settled its lawsuit for just over $325 million. Mr. Speaker, these are just two of many examples of the serious problems caused by the use of MTBE. In fact, to date, the legal fees, costs, and settlement for MTBE litigation in California is over $750 million alone. Furthermore, the water industry estimates that full cleanup of MTBE contamination across the country will be over $29 billion.

Mr. Chairman, MTBE contamination is a serious problem in California, and it is time for the Federal Government to admit that its overt promotion of MTBE is a major reason why we now find this additive in the water supplies of our communities.

For this reason, I am an ardent supporter of expanding the Leaking Underground Storage Tank, LUST, fund and am happy that Chairman BARTON has agreed to increase the fund's expenditures to over $2 billion over 5 years. The expanded LUST fund will give local communities the necessary resources to identify cleanup needs and proceed with actual cleanup efforts.

But more must be done in order to further protect communities like South Lake Tahoe.

Representative CHARLIE BASS has offered a proposal that would create a task force to seek a resolution to the MTBE cleanup issues in both New Hampshire and California.

I think this proposal is an important first step, and I encourage the House leadership to take a serious look at Representative BASS's proposal and work towards a more comprehensive solution for MTBE contamination in our communities.

In the end, Mr. Chairman, the Federal Government helped cause this problem and the Federal Government needs to help resolve it. The solution is not more litigation and lawsuits, but recognition that the Federal Government pushed MTBE on our communities, and now our communities need our help.

Mr. BURGESS. Mr. Chairman, I rise in opposition to the Capps amendment.

During our committee hearing on February 16, 2005, we had a lively and substantial debate on the MTBE limited defective product liability waiver contained in the energy bill.

And during our markup last week, the committee considered a number of amendments on the MTBE provisions, including several offered by Mrs. Capps.

During our hearing on the 16th, we heard testimony from many different people, including Mr. Erik Olson on behalf of the National Resources Defense Council.

During his testimony, Mr. Olson alleged that MTBE causes cancer. Later in the hearing, I asked Mr. Olson if there is any conclusive evidence that proves that MTBE causes cancer in humans. Mr. Olson was unable to answer.

That is because there is no evidence that MTBE does cause cancer in humans.

In fact, in the U.S. Department of Health and Human Services' 2002 Report to Congress, HHS found that there is not sufficient evidence to list MTBE as a carcinogen.

Even the World Health Organization and the European Union have both concluded that there are ''negative results'' or inadequate evidence that would merit classification of MTBE as a carcinogen.

Regardless, we do not want MTBE in our drinking water. But nor do we want benzene nor any other gasoline component that may be seeping into our groundwater.

That is why the energy bill bans its use in gasoline. That is why there are provisions in the bill that will send more Leaking Underground Storage Tank Trust fund money to help cleanup orphaned and abandoned sites.

In conclusion, I oppose the Capps amendment.

Ms. SOLIS. Mr. Chairman, I wholeheartedly support my colleague, Ms. CAPPS', amendment to eliminate the MTBE safe harbor liability shield.

This provision is an unfunded mandate on our communities and water providers who will be left holding the tab while the polluters cash in.

Our communities and those organizations representing them oppose this language.

These include: The U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the National Association of Towns and Townships, the Association of Metropolitan Water Agencies, the American Water Works Association, the Association of California Water Agencies, the Western Coalition of Arid States, the American Public Works Association, and the National Water Resources Association.

Supporters of this language, like the National Petrochemical and Refiners Association, claim that 96 percent of cleanups are paid for by the responsible parties, insurance companies, or state cleanup funds, and that future cleanup funds will be adequately paid for.

Similarly, supporters also believe that the funding this bill authorizes through the leaking underground storage tank trust fund will be sufficient to pay for cleanups.

What supporters are ignoring is that the existing authorizing program for regular cleanups, not intended solely for MTBE cleanups, is severely underfunded and State programs are broke.

Approximately 136,000 leaks are not being addressed yet, and EPA anticipates that over the next decade there will be between 6,000 and 12,000 new leaks each year.

EPA currently fails to meet its program goal of cleaning up 21,000 sites per year. In 2003, the EPA only cleaned up 18,000 sites—3,000 sites short of its goal. In 2004, only 14,235 sites were cleaned up—7,000 sites short of EPA's goal.

Despite the need for cleanup funds and EPA's inability to meets its cleanup goal, this administration has cut funding for cleanups by 8 percent, from $72 million in fiscal year 2001 to $69.4 million in the fiscal year 2005 omnibus.

Cleanups are not an administration priority.

Cleanups are not the appropriators' priority.

Supporters can talk all day long about authorizing ''sufficient'' funds but it means nothing.

The reality is that this is an unfunded mandate and our cities, communities and water providers will be left holding the bag. An unfunded mandate on states which are paid for by taxpayers and largely broke.

In Arizona, California, Georgia, Illinois, Kentucky, Maryland, Minnesota, Montana, New Hampshire, Oklahoma, Rhode Island, South

Dakota, Texas, Virginia and Wisconsin the funds are serviced exclusively with fuel taxes.

Programs in Alabama, Arkansas, Colorado, Florida, Iowa, Indiana, Louisiana, Massachusetts, Maine, Mississippi, North Carolina, North Dakota, Nebraska, New Mexico, Nevada, New York, Pennsylvania, South Carolina, Tennessee and Vermont are funded predominantly by fuel taxes.

In fact, Alaska, Delaware, Hawaii, Maryland, Oregon, Washington and West Virginia don't have cleanup funds.

More than 12 States have funds with more claims than money. The entire Texas financial assurance fund will sunset on September 1, 2006. Tennessee's fund is in the process of going broke; Michigan needs an estimated $1.7 billion to cleanup orphan sites. If you are from Florida, your state stopped accepting claims years ago. Arizona, Minnesota, Missouri, Nebraska and Vermont will all have stopped accepting claims by 2010, and Kansas and North Dakota, will not accept claims after 2014.

The bottom line is that, unlike supporters of the safe harbor provision would like to believe, the Federal Government is not funding the cleanups and the State programs cannot afford to fund the cleanups. Authorizing money in this bill will not solve that problem.

Colleagues, the Federal Government is not paying for cleanups and language amending the LUST program—supported by Republicans—will do nothing to help, in fact, it will further hinder the EPA's ability to clean up these sites and States' ability to prevent contamination.

This leaves taxpayers footing the bill instead of manufacturers. When taxpayers realize their money is being spent cleaning up the mess of corporate polluters who got rich off voluntarily using MTBE, when they realize that the Federal Government transferred a HUGE unfunded mandate onto them, those doing the dirty work, those supporting this provision, will be responsible.

The San Gabriel Valley Tribune said it best when they said ''polluters should foot the bill.''

I urge my colleagues to support efforts to strip this unfunded mandate from the energy bill.

COMMUNITIES THAT HAVE FILED MTBE LAWSUITS AGAINST OIL COMPANIES

| State | Client | Case Status |
|---|---|---|
| CA | California-American Water Company (Monterrey). | Filed 9–30–03 |
| CA | California-American Water Company (Sacramento County). | Filed 9–30–03 |
| CA | California Water Service Company | Filed 12–30–04 |
| CA | Citrus Heights Water District | Filed 9–30–03 |
| CA | City of Riverside | Filed 10–17–03 |
| CA | City of Roseville | Filed 10–16–03 |
| CA | City of Sacramento | Filed 9–30–03 |
| CA | Del Paso Manor Water District | Filed 9–30–03 |
| CA | Fair Oaks Water District | Filed 9–30–03 |
| CA | Florin Resource Conservation District | Filed 9–30–03 |
| CA | Martin Silver, et. al. | Filed 9–30–03 |
| CA | Orange County Water District | Filed 5–06–03 |
| CA | Quincy Community Services District | Filed 11–07–03 |
| CA | Rio Linda Elverta Community Water District. | Filed 9–30–03 |
| CA | Sacramento County Water Agency | Filed 9–30–03 |
| CA | Sacramento Groundwater Authority | Filed 9–30–03 |
| CA | Sacramento Suburban Water District | Filed 9–30–03 |
| CA | San Juan Water District | Filed 9–30–03 |
| CA | The People of the State of California | Filed 9–30–03 |
| CT | Columbia Board of Education | Filed 9–30–03 |
| CT | Horace Porter School | Filed 9–30–03 |
| CT | Town of East Hampton | Filed 10–22–03 |
| CT | American Distilling and Mfg. Co. Inc. | Filed 10–22–03 |
| CT | Our Lady of the Rosary Chapel | Filed 10–22–03 |
| CT | United Water Connecticut, Inc. | Filed 11–07–03 |
| FL | Escambia County Utilities Authority | Filed 10–24–03 |
| IN | Campbellsburg | Filed 1–12–04 |
| IN | Town of Mishawaka | Filed 11–17–03 |
| IN | North Newton School Corp. | Filed 11–20–03 |
| IN | City of Rockport | Filed 10–24–03 |

COMMUNITIES THAT HAVE FILED MTBE LAWSUITS AGAINST OIL COMPANIES—Continued

| State | Client | Case Status |
|---|---|---|
| IN | Southbend | Filed 11–20–03 |
| IA | City of Galva | Filed 9–30–03 |
| IA | City of Ida Grove | Filed 9–30–03 |
| IA | City of Sioux City | Filed 9–30–03 |
| IL | Island Lake | Filed 11–18–03 |
| IL | Village of East Alton (Individual Action) | Filed 2001 |
| IL | Village of East Alton (Class Action) | Filed 9–30–03 |
| KS | Bel Aire | Filed 11–14–03 |
| KS | Chisholm Creek Utility Authority | Filed 11–14–03 |
| KS | Dodge City | Filed 11–14–03 |
| KS | Park City, City of | Filed 11–18–03 |
| LA | City of Marksville | Filed 11–20–03 |
| LA | City of Rayville | Filed 1–20–04 |
| MA | Brimfield Housing Authority (Brimfield, MA). | Filed 9–30–03 |
| MA | Centerville-Osterville-Marsons Mills Water Department. | Filed 11–17–03 |
| MA | Chelmsford Water District (Chelmsford, MA). | Filed 9–30–03 |
| MA | Dedham Westwood Water District | Filed 11–17–03 |
| MA | City of Brockton | Filed 11–17–03 |
| MA | City of Methuen | Filed 11–17–03 |
| MA | City of Peabody | Filed 9–30–03 |
| MA | Cotuit Fire District Water Department (Cotuit, MA). | Filed 9–30–03 |
| MA | East Chelmsford Water District (Chelsford, MA). | Filed 9–30–03 |
| MA | Hillcrest Water District (Leicester, MA) | Filed 9–30–03 |
| MA | Leicester Water Supply District (Leicester, MA). | Filed 9–30–03 |
| MA | Massasoit Hills Trailer Park, Inc. | Filed 11–17–03 |
| MA | North Chelmsford Water District (Chelsford, MA). | Filed 9–30–03 |
| MA | North Raynham Water District | Filed 11–17–03 |
| MA | Sandwich Water District | Filed 11–17–03 |
| MA | South Sagamore Water District | Filed 9–30–03 |
| MA | Sudbury Water District | Filed 11–17–03 |
| MA | Town of Avon | Filed 11–17–03 |
| MA | Town of Bedford | Filed 11–17–03 |
| MA | Town of Bellingham | Filed 11–17–03 |
| MA | Town of Charlton | Filed 9–30–03 |
| MA | Town of Danvers | Filed 11–17–03 |
| MA | Town of Dover | Filed 11–17–03 |
| MA | Town of Dudley | Filed 9–30–03 |
| MA | Town of Duxbury | Filed 9–30–03 |
| MA | Town of East Bridgewater | Filed 11–17–03 |
| MA | Town of East Brookfield | Filed 11–17–03 |
| MA | Town of Edgartown | Filed 9–30–03 |
| MA | Town of Halifax | Filed 9–30–03 |
| MA | Town of Hanover | Filed 9–30–03 |
| MA | Town of Hanson | Filed 11–17–03 |
| MA | Town of Holliston | Filed 11–17–03 |
| MA | Town of Hudson | Filed 9–30–03 |
| MA | Town of Maynard | Filed 9–30–03 |
| MA | Town of Merrimac | Filed 11–17–03 |
| MA | Town of Millis | Filed 11–17–03 |
| MA | Town of Monson | Filed 9–30–03 |
| MA | Town of Norfolk | Filed 11–17–03 |
| MA | Town of North Attleborough | Filed 11–17–03 |
| MA | Town of North Reading | Filed 11–17–03 |
| MA | Town of Norwell | Filed 11–17–03 |
| MA | Town of Pembroke | Filed 9–30–03 |
| MA | Town of Reading | Filed 11–17–03 |
| MA | Town of Salisbury | Filed 4–21–04 |
| MA | Town of Spencer | Filed 9–30–03 |
| MA | Town of Stoughton | Filed 11–17–03 |
| MA | Town of Tewksbury | Filed 9–30–03 |
| MA | Town of Tyngsboro | Filed 9–30–03 |
| MA | Town of Ware | Filed 9–30–03 |
| MA | Town of Wayland | Filed 9–30–03 |
| MA | Town of West Bridgewater | Filed 11–17–03 |
| MA | Town of West Brookfield | Filed 9–30–03 |
| MA | Town of Weymouth | Filed 11–17–03 |
| MA | Town of Wilmington | Filed 11–17–03 |
| MA | Town of Yarmouth | Filed 11–17–03 |
| MA | United Methodist Church (Wellfleet, MA) | Filed 9–30–03 |
| MA | Water Supply District of Acton | Filed 4–21–04 |
| MA | Westport Federal Credit Union | Filed 11–17–03 |
| MA | Westview Farm, Inc. (Monson, MA) | Filed 9–30–03 |
| NH | City of Dover | Filed 11–20–03 |
| NH | City of Portsmouth | Filed 10–24–03 |
| NH | State of New Hampshire | Filed 9–30–03 |
| NJ | Thoedore Holten, et al | Filed 08–25–00 |
| NJ | Borough of Penns Grove | Filed 10–23–03 |
| NJ | City of Bridgeton | Filed 10–23–03 |
| NJ | City of Camden | Filed 10–23–03 |
| NJ | City of Gloucester City | Filed 10–23–03 |
| NJ | City of Winslow | Filed 11–20–03 |
| NJ | Elizabethtown Water Company | Filed 10–23–03 |
| NJ | Little Egg Harbor Township | Filed 11–21–03 |
| NJ | Mount Holly Water Company | Filed 10–23–03 |
| NJ | Mount Laurel Municipal Utilities Authority | Filed 10–23–03 |
| NJ | New Jersey American Water Company, Inc | Filed 10–23–03 |
| NJ | Penns Grove Water Supply Company, Inc | Filed 10–23–03 |
| NJ | Point Pleasant | Filed 11–21–03 |
| NJ | Southeast Morris County Municipal Utilities Authority. | Filed 4–28–04 |
| NJ | Township of Montclair | Filed 11–17–03 |
| NJ | United Water Arlington Hills, Inc. | Filed 11–17–03 |
| NJ | United Water Hampton, Inc. | Filed 11–17–03 |
| NJ | United Water New Jersey, Inc. | Filed 11–17–03 |
| NJ | United Water Toms River, Inc. | Filed 11–17–03 |
| NJ | United Water Vernon Hills, Inc. | Filed 11–17–03 |
| NY | Franklin Square Water District | Filed 11–14–03 |
| NY | Great Neck North | Filed 10–28–03 |
| NY | Hicksville | Filed 1–23–04 |
| NY | Long Island Water Corporation | Filed 10–15–03 |
| NY | Nassau County | Filed 9–30–03 |
| NY | Port Washington Water District | Filed 11–07–03 |
| NY | Rosyln Water District | Filed 4–28–04 |

COMMUNITIES THAT HAVE FILED MTBE LAWSUITS AGAINST OIL COMPANIES—Continued

| State | Client | Case Status |
|---|---|---|
| NY | Suffolk County | Filed 10–20–02 |
| NY | Town of Wappinger | Filed 4–28–04 |
| NY | United Water New York, Inc. | Filed 11–10–03 |
| NY | Village of Pawling | Filed 11–18–03 |
| NY | Village of Sands Point | Filed 11–05–03 |
| NY | Western Nassau Water Authority | Filed 10–02–03 |
| NY | Village of Mineola | Unknown |
| NY | Village of Hempstead | Unknown |
| NY | West Hempstead Water District | Unknown |
| NY | Town of South Hampton | Unknown |
| NY | Town of East Hampton | Unknown |
| NY | Carle Place Water District | Unknown |
| NY | Westbury Water District | Unknown |
| NY | Plainview Water District | Unknown |
| NY | Christ the King Catholic Church (Queens) | Unknown |
| NC | Bobbie Adams, et al | Filed 8–15–03 |
| PA | Northhampton Bucks County | Filed 3–11–04 |
| VT | Craftsbury Fire District #2 | Filed 1–12–04 |
| VT | Town of Hartland | Filed 11–18–03 |
| VA | Buchanan County School Board | Filed 11–10–03 |
| VA | Greensville County Water & Sewer Authority. | Filed 11–17–03 |
| VA | Patrick County School Board | Filed 10–30–03 |
| WV | Matoaka | Filed 1–20–04 |

Source: Environmental Working Group. Data on MTBE lawsuits obtained from court records and law firms representing communities. Information on MTBE contamination is derived from data obtained from state agencies under the Federal Freedom of Information Act or state public records laws. Data were unavailable for some states; other states reported no MTBE detections. Some states currently do not require reporting of MTBE detections.

MTBE CONTAMINATION IS SOARING

Although the use of MTBE in gasoline is rapidly declining, detections of MTBE in water supplies are soaring. The number of water systems reporting MTBE contamination in tap water supplies increased more than 15-fold between 1996 and 2004, from 137 to 1,861, and the number of states reporting problems more than doubled, from 11 to 29, according to EWG Action Fund's analysis of state water testing data. These figures are not necessarily systems whose customers are currently drinking MTBE in their tap water, but those where it has been detected somewhere in the system. The total number of contaminated systems includes private water supplies that may serve only a single customer, but more than 60 percent (about 1,100 systems) supply drinking water to cities, counties, rural communities and schools.

In the majority of the affected communities, consumers are unaware of the contamination because water utilities take steps to protect them as soon as MTBE is detected. MTBE contamination as low as two parts per billion—two drops in an Olympic-sized swimming pool—can produce a harsh chemical odor and taste that can cause tap water to be undrinkable. To cope with the problem, water utilities must either blend MTBE-contaminated water with clean sources to dilute the chemical, install costly systems to remove it, or abandon affected wells and find new water sources. The American Water Works Association, representing 4,700 U.S. water systems, estimates nationwide MTBE cleanup and water replacement costs at $29 billion—and rising with each new detection.

MTBE contamination affects communities of all sizes, with contamination reported from large systems like San Diego, where the water utility serves 1.2 million people, to the Millbrook Country Day School in Massachusetts, serving 25 students and teachers. MTBE has been detected in water supplies serving 32 million people in California, about 4.7 million in New Jersey, about 2.2 million in Massachusetts and 1 million in Texas.

MTBE HAS BEEN FOUND IN TAP WATER IN AT LEAST 29 STATES

| State | Number of systems affected by MTBE | Population served* |
|---|---|---|
| Alaska | 1 | 36,000 |
| Alabama | 9 | 298,000 |

MTBE HAS BEEN FOUND IN TAP WATER IN AT LEAST 29 STATES—Continued

| State | Number of systems affected by MTBE | Population served* |
|---|---|---|
| Arkansas | 110 | 593,000 |
| California | 144 | 32,087,000 |
| Delaware | 15 | 83,000 |
| Florida | 13 | 857,000 |
| Iowa | 3 | 3,000 |
| Illinois | 44 | 354,000 |
| Indiana | 14 | 193,000 |
| Massachusetts | 221 | 2,243,000 |
| Maryland | 116 | 196,000 |
| Maine | 17 | 58,000 |
| Michigan | 14 | 57,000 |
| Minnesota | 27 | 224,000 |
| Missouri | 13 | 17,000 |
| Nebraska | 8 | 11,000 |
| New Hampshire | 280 | 409,000 |
| New Jersey | 430 | 4,791,000 |
| New Mexico | 5 | 39,000 |
| Nevada | 4 | 231,000 |
| New York | 170 | 453,000 |
| Ohio | 5 | 9,000 |
| Oklahoma | 13 | 6,000 |
| Pennsylvania | 47 | 981,000 |
| Rhode Island | 28 | 83,000 |
| South Carolina | 20 | 63,000 |
| Texas | 46 | 1,080,000 |
| Virginia | 15 | 12,000 |
| Wisconsin | 29 | 234,000 |
| Total | 1,861 | 21,557,000 to 45,698,000 |

*Low end estimate excludes systems serving over 1 million people. In large systems MTBE contamination typically affects only a portion of the population.

Source: Environmental Working Group. Data on MTBE lawsuits obtained from court records and law firms representing communities. Information on MTBE contamination is derived from data obtained from state agencies under the Federal Freedom of Information Act or state public records laws. Data were unavailable for some states; other states reported no MTBE detections. Some states currently do not require reporting of MTBE detections.

Important Note: A reported detection of MTBE does not mean the contaminant was found at any level in finished drinking water that the water system delivered to consumers. Some results reflect tests conducted on a water source, others may reflect results from finished tap water. MTBE contamination as low as 2 parts per billion produces a harsh chemical odor that renders the tap water undrinkable. For that reason, in the vast majority of the affected communities water utilities have taken steps to protect consumers, often with costly remedial action, as soon as MTBE is detected and before water is delivered. Water utilities either blend contaminated water with clean sources to dilute the MTBE in finished water, install costly systems to remove the chemical, or abandon tainted wells and shift to clean sources. Community water suppliers would be unable to recover the cost of these remedies from MTBE manufacturers under the liability shield Republican leaders have proposed to include in pending national energy legislation.

Data are primarily for community water systems. Comparable data are not available for MTBE contamination of the majority of private wells.

In some communities, a substantial portion of the local water supply has been contaminated, while in many others only one or two detections of MTBE have been made. But this last fact is less reassuring than it is worrisome. State water testing records obtained by EWG indicate that in almost all systems with just one positive detection of MTBE, tests for the compound were conducted in the last four years. Water systems nationwide are wrapping up a years-long process of meeting federal requirements mandating testing for ''unregulated contaminants'' like MTBE. This suggests that MTBE is only now showing up in many drinking water systems. The prospect that the MTBE contamination crisis has yet to peak makes the scheme to shield polluters from liability all the more troubling.

Also rising rapidly are lawsuits against the oil companies by communities whose water is contaminated with MTBE. Since 2003, 155 water systems in 17 states have filed suits arguing that MTBE is a defective product, and that refiners knew that it would contaminate groundwater before they began adding it to gasoline but failed to warn consumers. In 2002 that argument, outlined in devastating detail in industry documents, convinced a jury to find Shell, Texaco and four other companies liable for contaminating drinking water supplies in South Lake Tahoe, Calif., forcing a $60 million settlement for cleanup. In 2003, Shell, Exxon, ChevronTexaco and 15 other companies settled a contamination lawsuit brought by Santa Monica, Calif., by agreeing to spend an estimated $200 million on a filtration system to remove MTBE from the city's water supplies.

The success of those lawsuits in holding the oil companies responsible for MTBE contamination sparked the first attempt in 2003 by the industry and its political allies to make it impossible for communities to sue on defective product grounds. In turn, the push for the waiver set off a rush to file lawsuits by communities with contamination. Of the 150–plus cases now in court, all but three were filed after September 2003 and would be thrown out by the retroactive provision of the DeLay-Barton bill. If MTBE makers are given immunity from defective product lawsuits, the burden of cleanup will fall to individual gas station owners, most of whom lack the kind of money it would take, and ultimately to the taxpayers.

In the House, 21 Republicans and five Democrats who voted for the energy bill and MTBE liability waiver now are faced with the prospect, if they again support it, of throwing out a total of 38 lawsuits filed by community water systems in the districts they represent. Three Members are from New Jersey, which has a total of 430 water systems where MTBE has been detected—far more systems than in any other state, supplying drinking water to 4.7 million Garden State residents. Eleven are from California, where MTBE has been found in 144 water systems serving more than 32 million people—almost 90 percent of the state's population.

An additional 81 House members—74 Republicans and 9 Democrats—who supported the energy bill and liability waiver represent districts where MTBE has been detected in the water supply, but lawsuits have not been filed. Seven are from California, representing districts where 22 water systems have detected MTBE. Thirteen, including Delay and Barton, are from Texas; in their districts are 29 water systems with MTBE contamination. One House member who voted yes in 2003 (Arkansas Democrat Mike Ross) has 50 water systems in his district with contamination. Another (Maryland Republican Roscoe G. Bartlett) has 50.

84 HOUSE MEMBERS WHO VOTED TO PROTECT OIL COMPANIES FROM LITIGATION IN 2003 ALSO REPRESENT COMMUNITIES WITH MTBE IN THEIR DRINKING WATER

| Member | State/District | Systems with contamination | Vote on Energy Bill final passage in 2003 |
|---|---|---|---|
| 1. Akin, W. Todd | MO–2nd | 2 | Yea |
| 2. Baca, Joe | CA–43rd | 2 | Yea |
| 3. Bachus, Spencer | AL–6th | 2 | Yea |
| 4. Barrett, J. Gresham | SC–3rd | 4 | Yea |
| 5. Bartlett, Roscoe G. | MD–6th | 50 | Yea |
| 6. Barton, Joe | TX–6th | 1 | Yea |
| 7. Berry, Marion | AR–1st | 28 | Yea |
| 8. Biggert, Judy | IL–13th | 1 | Yea |
| 9. Blunt, Roy | MO–7th | 2 | Yea |
| 10. Bonilla, Henry | TX–23rd | 3 | Yea |
| 11. Bonner, Jo | AL–1st | 5 | Yea |
| 12. Boozman, John | AR–3rd | 18 | Yea |
| 13. Brady, Kevin | TX–8th | 1 | Yea |
| 14. Brown, Henry E. Jr. | SC–1st | 1 | Yea |
| 15. Burgess, Michael C. | TX–26th | 1 | Yea |
| 16. Buyer, Steve | In–4th | 3 | Yea |
| 17. Camp, Dave | MI–4th | 3 | Yea |
| 18. Cantor, Eric | VA–7th | 3 | Yea |
| 19. Carter, John R. | TX–31st | 2 | Yea |
| 20. Cole, Tom | OK–4th | 4 | Yea |
| 21. Culberson, John Abney | TX–7th | 2 | Yea |
| 22. Cunningham, Randy ''Duke''. | CA–50th | 1 | Yea |
| 23. Davis, Jo Ann | VA–1st | 1 | Yea |
| 24. DeLay, Tom | TX–22nd | 1 | Yea |
| 25. Dreier, David | CA–26th | 6 | Yea |
| 26. Emerson, Jo Ann | MO–8th | 4 | Yea |
| 27. Evans, Lane | IL–17th | 6 | Yea |
| 28., Everett, Terry | AL–2nd | 1 | Yea |
| 29. Feeney, Tom | FL–24th | 1 | Yea |
| 30. Foley, Mark | FL–16th | 3 | Yea |
| 31. Gerlach, Jim | PA–6th | 11 | Yea |
| 32. Gibbons, Jim | NV–2nd | 3 | Yea |
| 33. Goode, Virgil H. Jr. | VA–5th | 2 | Yea |
| 34. Goodlatte, Bod | VA–6th | 2 | Yea |
| 35. Graves, Sam | MO–6th | 2 | Yea |
| 36. Green, Gene | TX–29th | 2 | Yea |
| 37. Gutknecht, Gil | MN–1st | 4 | Yea |
| 38. Hall, Ralph M. | TX–4th | 4 | Yea |
| 39. Harris, Katherine | FL–13th | 1 | Yea |
| 40. Hastert, J. Dennis | IL–14th | 5 | Yea |
| 41. Hoekstra, Peter | MI–2nd | 1 | Yea |
| 42. Holden, Tim | PA–17th | 3 | Yea |
| 43. Hunter, Duncan | CA–52nd | 2 | Yea |
| 44. Hyde, Henry J. | IL–6th | 1 | Yea |
| 45. Issa, Darrell E. | CA–49th | 4 | Yea |
| 46. Istook, Ernest J. Jr. | OK–5th | 4 | Yea |
| 47. Johnson, Timothy V. | IL–15th | 2 | Yea |
| 48. Kennedy, Mark R. | MN–6th | 5 | Yea |
| 49. Kline, John | MN–2nd | 7 | Yea |
| 50. LaHood, Ray | IL–18th | 7 | Yea |
| 51. Lewis, Jerry | CA–41st | 3 | Yea |
| 52. Lucas, Frank D. | OK–3rd | 5 | Yea |
| 53. McCotter, Thaddeus G. | MI–11th | 1 | Yea |
| 54. McHugh, John M. | NY–23rd | 14 | Yea |
| 55. Manzullo, Donald A. | IL–16th | 8 | Yea |
| 56. Neugebauer, Randy | TX–19th | 2 | Yea |
| 57. Ney, Robert W. | OH–18th | 2 | Yea |
| 58. Osborne, Tom | NE–3rd | 4 | Yea |
| 59. Pearce, Stevan | NM–2nd | 2 | Yea |
| 60. Pence, Mike | IN–6th | 1 | Yea |
| 61. Peterson, Collin C. | MN–7th | 3 | Yea |
| 62. Platts, Todd Russell | PA–19th | 4 | Yea |
| 63., Radanovich, George | CA–19th | 4 | Yea |
| 64. Ramstad, Jim | MN–3rd | 2 | Yea |
| 65. Rogers, Mike | MI–8th | 3 | Yea |
| 66. Rogers, Mike | AL–3rd | 1 | Yea |
| 67. Ross, Mike | AR–4th | 50 | Yea |
| 68. Sabo, Martin Olav | MN–5th | 1 | Nay |
| 69. Sessions, Pete | TX–32nd | 1 | Yea |
| 70. Shaw, E. Clay Jr. | FL–22nd | 1 | Yea |
| 71. Sherwood, Don | PA–10th | 7 | Yea |
| 72., Shimkus, John | IL–19th | 8 | Yea |
| 73. Skelton, Ike | MO–4th | 1 | Yea |
| 74 Smith, Lamar S. | TX–21st | 12 | Yea |
| 75. Terry, Lee | NE–2nd | 1 | Yea |
| 76. Thornberry, Mac | TX–13th | 1 | Yea |
| 77. Upton, Fred | MI–6th | 2 | Yea |
| 78. Weldon, Curt | PA–7th | 5 | Yea |
| 79. Weller, Jerry | IL–11th | 5 | Yea |
| 80. Wilson, Heather | NM–1st | 1 | Yea |
| 81. Wilson, Joe | SC–2nd | 7 | Yea |
| 82. Wynn, Albert Russell | MD–4th | 2 | Yea |
| 83. Young, C. W. Bill | FL–10th | 1 | Yea |
| 84. Young, Don | AK–At Large | 1 | Yea |

Source: Environmental Working Group. Data on MTBE lawsuits obtained from court records and law firms representing communities. Information on MTBE contamination is derived from data obtained from state agencies under the Federal Freedom of Information Act or state public records laws. Data were unavailable for some states; other states reported no MTBE detections. Some states currently do not require reporting of MTBE detections.

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APRIL 5, 2005.

OPPOSE THE MTBE LIABILITY WAIVER!

DEAR MEMBERS OF THE HOUSE ENERGY AND COMMERCE COMMITTEE: The undersigned organizations—representing thousands of mayors, city council members, county officials, towns and townships, drinking water systems and public works departments—reiterate our strong opposition to providing product liability immunity to the producers of MTBE.

The liability waiver amounts to a massive unfunded mandate on local governments and citizens.

MTBE producers, according to documents in recent litigation, put this contaminant into commerce knowing it could contaminate drinking water supplies. Under the MTBE product liability waiver, these producers would be rendered unaccountable.

Thousands of water sources have been contaminated, and as MTBE spreads, more and more communities will be forced to shut down wells or undertake a costly cleanup program.

Here are some important facts to remember:

1. MTBE was never mandated, and Congress is not obligated to provide the producers ''safe harbor.'' And, regardless, the producers put MTBE into gasoline well before the Clean Air Act Amendments of 1990 and with knowledge of its environmental dangers.

2. One estimate by experts puts the cleanup cost in excess of $29 billion.

3. The liability waiver would retroactively block hundreds of communities' legitimate suits that have been filed already and could preempt hundreds more, leaving communities with a multi-billion dollar unfunded mandate from Congress.

4. The Leaking Underground Storage Tank fund was not intended to address the overwhelming amount of contamination communities are experiencing. Moreover, taxpayers should not pay for MTBE cleanup.

Please oppose the MTBE liability waiver.

Sincerely,

Tom Cochran, Executive Director, The U.S. Conference of Mayors; Larry Naake, Executive Director, National Association of Counties; Diane VanDe Hei, Executive Director, Association of Metropolitan Water Agencies; Steve Hall, Executive Director, Association of California Water Agencies; Larry Libeu, President, Western Coalition of Arid States.

Donald J. Borut, Executive Director, National League of Cities; Allen R. Frischkorn Jr., Executive Director, National Association of Towns and Townships; Jack Hoffbuhr, Executive Director, American Water Works Association; Peter B. King, Executive Director, American Public Works Association; Thomas F. Donnelly, Executive VP, National Water Resources Association.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

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

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. CAPPS) will be postponed.

The point of no quorum is considered withdrawn.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to speak out of order and engage in a colloquy with the chairman of the Committee on Agriculture.

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

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I rise to congratulate my good friend, the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce, for his leadership in forging a comprehensive, cohesive energy policy for our Nation. I also applaud the chairman for his attempts to ensure a reliable, efficient, and affordable energy supply. We all can agree that a transparent energy market is essential to achieving the overall goals of this bill.

I am concerned, however, Mr. Chairman, that the current language in title 12, specifically section 1281, weakens the protections afforded the sensitive and proprietary information used to determine energy prices.

Mr. Chairman, I seek the assurance of the gentleman from Texas (Mr. BARTON) that he will work with me and concerned others on language that clarifies the Commodity Futures Trading Commission's exclusive jurisdiction with respect to accounts, agreements, and transactions involving commodity futures and options.

The CFTC has a long history of sharing futures and options trading data with other Federal and State regulators that agree to abide by the public disclosure restrictions found in section 8 of the Commodity Exchange Act.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for raising these concerns and agree with the gentleman that market transparency is an absolute need for an affordable energy supply and that the protection of proprietary data is a must for the efficient and effective use of U.S. futures markets. Regulation of United States futures exchanges is certainly within the jurisdiction of the CFTC. I give the gentleman my assurances I will work with him on language that reflects the Commodity Futures Trading Corporation's jurisdiction in its vital role in market transparency.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to speak out of order to engage in a colloquy with the gentlewoman from Ohio (Ms. PRYCE).

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

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Chairman, section 1287 of H.R. 6 includes permissive rulemaking authority for the Federal Trade Commission to adopt rules protecting the privacy of electric consumers from the disclosure of consumer information obtained in connection with the sale or delivery of electric energy to electric customers.

Am I correct, sir, in understanding that it was the committee's intent to grant the FTC rulemaking authority with respect to the information practices of utility companies not already regulated, or to the extent they are not already regulated, under the Gramm-Leach-Bliley Act?

Mr. BARTON of Texas. The gentlewoman is correct.

Ms. PRYCE of Ohio. Am I further correct that it was not the intention that utility companies be restricted in their ability to report payment history information to consumer reporting agencies?

Mr. BARTON of Texas. The gentlewoman is once again correct.

Ms. PRYCE of Ohio. Sir, am I further correct that it was not your intention that the FTC be given broad rulemaking authority with respect to the goods or services that can be offered to a customer simply because the customer uses electricity, but rather the FTC has the authority to regulate the offering or billing of products or services by utility companies?

Mr. BARTON of Texas. The gentlewoman is correct, for the third time in a row.

Ms. PRYCE of Ohio. Mr. Chairman, I thank the gentleman for his clarifications and for his assistance and the assistance of his staff in this situation.

Mr. BARTON of Texas. We always thank the gentlewoman for her inquiries.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 28 printed in House Report 109–49.

AMENDMENT NO. 28 OFFERED BY MR. INSLEE

Mr. INSLEE. 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. 28 offered by Mr. INSLEE:

At the end of title XXVI add the following:

**SEC. ___. LIMITATION ON RENT AND OTHER CHARGES WITH RESPECT TO WIND ENERGY DEVELOPMENT PROJECTS ON PUBLIC LANDS.**

(a) IN GENERAL.—The Secretary of the Interior may not impose rent and other charges, excluding for the cost of processing rights-of-way, with respect to any wind energy development project on public lands that, in the aggregate, exceed 50 percent of the maximum amount of rent that could be charged with respect to that project under the terms of Bureau of Land Management Instruction Memorandum No. 2003–020, dated October 16, 2002.

(b) TERMINATION.—Subsection (a) shall not apply after the earlier of—

(1) the date on which the Secretary of the Interior determines there exists at least 10,000 megawatts of electricity generating capacity from non-hydropower renewable energy resources on public lands; or

(2) the end of the 10-year period beginning on the date of the enactment of this Act.

(c) STATE SHARE NOT AFFECTED.—This section shall not affect any State share of rent and other charges with respect to any wind energy development project on public lands.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

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

This amendment is part of our continuing effort to diversify our supplies of energy by increasing the amount of wind power we can generate off of our Department of the Interior lands, principally, our Bureau of Land Management lands. It will do so by cutting in half the royalty that is scheduled to be applied under the BLM criteria. We are actually quite high, probably in the neighborhood of almost twice sometimes what the private sector and private lands charge. Reduce it from about $2,300 on average to about $1,100 per megawatt.

This is very similar to a provision we passed last year in the energy bill, and it really follows the tremendous

growth of wind energy we are experiencing.

□ 1445

Well, actually wind energy is growing about 30 percent a year, which is rather a Herculean growth rate that we are having, and that is because we have abundant wind energy, thankfully, in this great land of ours.

Now, we want to maximize it on our public lands. I know in many places we are having success with wind. In Washington State we are proud of the largest wind farm in the North American hemisphere, at State Line, Washington, which has about 263 megawatts, powers about 25,000 homes. We have several projects in Washington State, in fact, on public land in Washington State we have at least 600 acres very eligible for economically efficient production of wind energy.

So we think this is a way to help boost wind because what we have found is that every time we increase the number of units of wind energy we use, we decrease its price. There is a very clear correlation. Every time the number of units go up by a factor of 10, prices come down by 20 percent. Actually, wind energy has been reduced in price this decade by 80 percent. It is a pretty spectacular success story.

Wind is not without any impacts. It has aesthetic impacts, of course, but we think this is one way to give a boost to an infant, nascent industry that can go up to a place where right now is very close to market-based, really is market-based rates at this time.

The gentleman from California (Mr. POMBO) was good enough to agree to an amendment in the Resources Committee to state a national goal of generating 10,000 megawatts of renewable energy from our Federal lands within the decade. This is one small step in that direction. So we hope that we will continue the growth of wind.

This is one very small part of a larger project I am championing called the New Apollo Energy Project, which really will spur the development of high technology.

Let me lastly state that other countries are having successes as well. Denmark hopes to have 50 percent of their electrical content generated by wind and other renewables in 2025. They are at about 30 percent now.

This is not pie in the sky; it is very achievable. We want to grow those jobs here in America, eventually have a domestic wind turbine job base, industrial base; and we have a lot of jobs to create, hooking up those wind turbines.

We hope that we can pass this amendment.

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

Mr. POMBO. Mr. Chairman, I ask unanimous consent to claim the time on our side.

The Acting CHAIRMAN (Mr. SIMPSON). Without objection, the gentleman from California will control 5 minutes.

There was no objection.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may use.

I congratulate my colleague, the gentleman from Washington (Mr. INSLEE) for bringing this amendment forward. I think this is an important amendment. It is very consistent with the rest of the bill.

When we look at royalty relief, we know that that does spur investment in a particular industry. It helps to build domestic energy in this country, and it is all part of the effort of the overall bill to gain greater energy independence from foreign countries.

I believe very strongly in wind energy. I think it is a positive move. It is something that has moved dramatically in the last 20 years in this country. But we do know that royalty relief is something that spurs investment in a particular industry.

I look forward to working with the gentleman from Washington (Mr. INSLEE) further on wind energy, but also on increasing the amount of investment we have on energy independence in this country, things like we are doing on deep drill and deep water drilling and other things that we are doing in the bill. I am glad that he recognizes that royalty relief is a way to spur greater independence in this country.

Mr. Chairman, I yield to the gentleman from Texas (Mr. BARTON), the Chairman of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Chairman, I just want to add my support for the amendment. I think it helps the bill. I would encourage my friend from Washington, as he once again gets another amendment in the bill, to consider voting for final passage.

He is going to have more stuff in the bill than I am. So at some point in time the weight of the evidence is that he should be supportive of the bill.

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

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

I appreciate the comments of the gentleman from Texas (Mr. BARTON). We cannot measure contribution by number, we have to measure by weight. However, Mr. Chairman, I think you are still going to win the debate.

By the way, I am a new member of the Commerce Committee. I want to thank the gentleman from Texas (Mr. BARTON), the chairman, for the very fair-minded way that he handled this in committee, in giving both sides an adequate degree of leeway to argue their positions. We all appreciate his leadership.

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

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

I urge support of the amendment. The Resources Committee accepts the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE.)

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 29 printed in House report 109–49.

AMENDMENT NO. 29 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. 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. 29 offered by Mr. HASTINGS of Florida:

At the end of the bill, add the following new title:

**TITLE XXVII—ENVIRONMENTAL JUSTICE**

**SEC. 2701. EXECUTIVE ORDER 12898.**

The provisions of Executive Order 12898, dated February 11, 1994, pertaining to Federal actions to address environmental justice in minority populations and low-income populations, shall remain in force until changed by law. In carrying out such executive order, the provisions of this title shall apply.

**SEC. 2702. ADDITIONAL PROVISIONS RELATING TO ENVIRONMENTAL JUSTICE.**

(a) DEFINITION OF ENVIRONMENTAL JUSTICE.—For purposes of Executive Order 12898, environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, educational level, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice seeks to ensure that minority and low-income communities have adequate access to public information relating to human health and environmental planning, regulations, and enforcement. Environmental justice ensures that no population, especially the elderly and children, are forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazard.

(b) IDENTIFICATION AND PRIORITIZATION OF ENVIRONMENTAL JUSTICE COMMUNITIES.—For purposes of Executive Order 12898, criteria for defining an environmental justice community shall include demographic characteristics, such as percentages of minority and low-income residents within an area, as well as—

(1) health vulnerabilities, such as cancer mortality and incidence rate, infant mortality, low birth weight, asthma, and childhood lead poisoning; and

(2) environmental conditions, such as facility density and proximity to Corrective Action/Superfund Sites, Enforcement Data (percent and number of uninspected facilities, percent and number of unaddressed violations, average and total penalty and air nonattainment status), emissions, attainment status, indoor air issues, 305b stream data, fish advisories, beach closings, and truck traffic.

(c) ESTABLISHMENT OF OFFICES OF ENVIRONMENTAL JUSTICE.—For purposes of Executive Order 12898, each of the following shall establish an Office of Environmental Justice:

(1) Department of Health and Human Services.

(2) Department of Housing and Urban Development.

(3) Department of Defense.

(4) Department of Labor.

(5) Department of Agriculture.

(6) Department of Transportation.

(7) Department of Justice.

(8) Department of the Interior.
(9) Department of Commerce.
(10) Department of Energy.
(11) Environmental Protection Agency.
(12) Office of Management and Budget.
(13) Office of Science and Technology Policy.
(14) Office of the Deputy Assistant to the President for Environmental Policy.
(15) Office of the Assistant to the President for Domestic Policy.
(16) National Economic Council.
(17) Council of Economic Advisers.
(18) Such other Government officials as the President may designate.

(d) INTEGRATION OF ENVIRONMENTAL JUSTICE POLICIES IN AGENCY ACTIONS.—For purposes of the environmental justice strategies developed by agencies under Executive Order 12898, each agency shall integrate the strategy into the operation and mission of the agency and explicitly address compliance with this Act, including in the following activities:

(1) Future rulemaking activities.
(2) The development of any future guidance, environmental reviews (including NEPA, CAA, Federal Land Policy Act), regulation, or procedures for Federal agency programs, policies, or activities that affect human health or the environment.

(e) INTERAGENCY FEDERAL WORKING GROUP COORDINATION AND GUIDANCE.—The interagency Federal Working Group on Environmental Justice (in this section referred to as the ''Working Group'') shall—

(1) coordinate an integrated environmental justice training plan for the Federal agencies and offices listed in subsection (c);
(2) formalize public participation efforts;
(3) survey the Federal agencies and offices to determine what is effective and how to best facilitate outreach without duplicating efforts;
(4) develop a strategy for allocating responsibilities and ensuring participation, even when faced with competing agency priorities; and
(5) coordinate plans to communicate research results so reporting and outreach activities produce more useful and timely information.

(f) AGENCY PUBLIC PARTICIPATION EFFORTS.—

(1) OUTREACH EFFORTS.—Each Federal agency listed in subsection (c) shall carry out and report outreach activities to the Working Group, including the following:

(A) Respond directly to inquiries from the public and other stakeholders.
(B) Maintain websites and listservers.
(C) Produce and distribute hardcopy documents and multimedia products.
(D) Conduct or sponsor briefings, lectures, and press conferences.
(E) Testify before Congress or other government bodies.
(F) Finance scholarships, fellowships, and internships.
(G) Support museum exhibits and other public displays.
(H) Sponsor, participate, or otherwise contribute to meetings attended by stakeholders.
(I) Provide scientifically-sound content for K–12 education activities; and
(J) fund outreach efforts managed outside the Federal Government.

(2) STAKEHOLDERS.—To ensure their active public participation and to provide input early in environmental decision-making, Federal agencies along with the Working Group shall develop ways to enhance partnerships and coordination with stakeholders, including affected communities, Federal, Tribal, State, and local governments, environmental organizations, nonprofit organizations, academic institutions (including Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), and Tribal Colleges), and business and industry.

(g) COMMUNITY TECHNOLOGY CENTERS.—

(1) IN GENERAL.—Federal agencies shall fund community technology centers to assist with technical assistance issues in the environmental justice area.

(2) DESCRIPTION.—In this subsection, the term ''community technology center'' (CTC) refers to programs with the goal of providing at least 10 hours of open access a week for anyone in a community, especially youth and adults in low-income urban and rural communities, for purposes of providing technical assistance to communities experiencing issues of environmental hazards.

(3) LOCATION.—A community technology center may be located in places such as libraries, community centers, schools, churches, social service agencies, low-income residential housing complexes, and Minority Academic Institutions (such as Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges).

(4) ACTIVITIES OF COMMUNITY TECHNOLOGY CENTER.—A community technology center funded under this section shall—

(A) assist community members in becoming active participants in cleanup and environmental development activities;
(B) provide independent and credible technical assistance to communities affected by hazardous waste contamination;
(C) review and interpret technical documents and other materials;
(D) sponsor workshops, short courses, and other learning experiences to explain basic science and environmental policy;
(E) inform community members about existing technical assistance materials, such as publications, videos, and web sites;
(F) offer training to community leaders in facilitation and conflict resolution among stakeholders; and
(G) create technical assistance materials tailored to the identified needs of a community.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment of critical importance to the health and well-being of minority, low-income, and other underserved communities.

It was barely 20 years ago when our Nation first became concerned with minority communities and the disproportionate impact pollution has on their health. Over the years, we have sought, and many have done good things to combat, these environmental injustices across community lines.

Following the lead of former President George H.W. Bush, who established the Office of Environmental Justice at EPA in 1994, then President Clinton signed Executive Order 12898, titled Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

This order required that all appropriate Federal agencies collect data on the health and environmental impact of their programs and activities in minority and low-income populations, and then develop policies to achieve environmental justice. The order also required Federal agencies and their funding recipients to conduct their programs and implementing policies in a nondiscriminatory manner.

Despite the order, Federal efforts to achieve environmental justice have been minimal at best. In fact, in 2002, the U.S. Commission on Civil Rights concluded, ''There is inconsistency and unevenness in the degree to which agencies achieve integration of the environmental justice into their core mission.''

When I asked, just last week, about the future of environmental justice at EPA, an official stated, and I quote, ''What are we going to do for 2005?'' We do not know.

The amendment that I am offering today codifies Executive Order 12898. My amendment establishes offices of environmental justice in appropriate agencies and reestablishes the Interagency Federal Working Group on Environmental Justice. Perhaps, most importantly, the amendment represents the first time ever that Congress has attempted to define the term ''environmental justice.''

Mr. Chairman, more than 70 percent of African Americans and Latinos, compared to only 58 percent of the majority community, live in counties which regularly fail to meet current clean air standards. In these areas, a disproportionate number of citizens are suffering from cancer, asthma, toxic poisoning and lung-related deaths.

In my own district, there are continuing problems in this area throughout the district and specifically in Ft. Lauderdale. People are literally dying from pollution in their own back yards. It is not by coincidence that the majority of power plants and refineries in the United States are built in low-incomes areas. The land is cheap, the political influence of the neighborhood is virtually nonexistent, and in the bill we are considering this week, such siting is actually encouraged.

This amendment does nothing to change existing policy, nor does it amend any provision in the bill. All that it does is ensure that avenues which currently exist will always exist for underserved communities wishing to seek recourse when poor energy and environmental policies adversely affect their health and well being.

I implore my colleagues to support this amendment.

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

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) will control 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment not because I oppose environmental justice, but because I do not

think this amendment is necessary. The amendment does not codify existing powers in the Federal Government. It would change the way that they are currently operating.

The current environmental justice programs are in no danger of being repealed. The subject of the amendment, Executive Order 12898, is already in effect and requires each Federal agency to make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental affects of its programs, policies and activities on minority populations and low-income populations.

In my opinion, this amendment is a step backward in allowing minority and low-income communities the opportunity for individual choice and economic freedom in creating jobs and encouraging development in these low-income areas that are in such desperate need of revitalization and economic growth.

More environmental restrictions and quotas, that would result from this amendment, will only continue the plight of these economically disadvantaged communities by discouraging further development.

EPA already has several offices that have responsibility for overseeing and instituting environmental justice programs, including two specific ones, the Office of Environmental Justice and a national advisory committee that gives national focus to environmental justice concerns in all environmental protection programs at the EPA.

So I know it is a well-intentioned amendment, but it is not necessary because we have existing executive orders. The agencies are implementing it. And I think this would actually do more harm than good.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM.)

Mr. CUNNINGHAM. Mr. Chairman, I am opposed to my friend's amendment, and he is a friend, he is a good friend. I have not had a chance to speak on the floor, but I thought this fit right in line with environmental justice.

When many of us came in 1990, the Clean Air Act came up. And I remember Mr. Daschle, who is no longer with the other body, standing up and talking about how good MTBEs were. None of us knew. I saw a special that showed how bad MTBEs are, and that they are poisoning our waters in many communities. They should be removed.

But when the Government asks any industry to do its bidding, and it does that, then I think that the government should protect that individual, whatever the company is, because it did what the government told it to do. Now, I think what we should do with this is push forward, help with the cleanup, and fight and do everything we can to get MTBEs out of our system and out of our groundwater.

The gentleman from California (Mr. POMBO) did that in 1996, and my colleagues on the other side fought that tooth, hook and nail. I was the cosponsor of the bill.

When you talk about justice, let us look at why we ended up with it, where we are, and let us work together to get rid of this stuff.

The Acting CHAIRMAN. The gentleman from Florida (Mr. HASTINGS) has 30 seconds remaining, and the gentleman from Texas (Mr. BARTON) has 2 minutes remaining.

Mr. HASTINGS of Florida. Mr. Chairman, I yield my remaining 30 seconds to my good friend and colleague, the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I rise to support the Hastings amendment. California law, back in 1996, we passed this particular amendment, and I carried that bill. It was one of the first in this country. Now there are 29 States that are enforcing this.

Under the energy bill, this provision is necessary because they will be able to put refineries, be able to go onto Native Americans lands, they will be able to go into communities of color, in low-income communities like mine that are underserved right now, that have many, many egregious projects that are there that are polluting our waters, and making our life, I think, a health hazard.

This is the wrong direction to go in with the energy bill. We need to support this amendment for environmental justice when right now, under the Bush administration, 33 percent of EJ moneys have been cut.

□ 1500

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Texas (Mr. BARTON) has 2 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I will yield 1 of my 2 minutes to the gentleman if he wants to close on the amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman, but sometimes enough is enough and Members want to go home.

Mr. UDALL of New Mexico. Mr. Chairman, I rise in strong support of this amendment and I congratulate the gentleman from Florida, Mr. HASTINGS, for bringing it to the floor of the House.

The amendment would expand the Federal definition of environmental justice, directs each Federal Agency to establish an office of environmental justice, reestablishes the interagency Federal Working Group on Environmental Justice, and requires that Executive Order 12898 remain in force until changed by law.

By adopting the amendment we can take a significant step to ensuring that current and future Federal policies will be informed by the need to protect minority and low-income communities from poor environmental and energy decisions and policies.

The amendment is similar to a bill I introduced earlier this year with our colleague from California, Representative HILDA SOLIS. It is also cosponsored by the gentleman from New Jersey, Mr. ANDREWS as well as by Mr. HASTINGS of Florida, the author of this amendment.

Like this amendment, that legislation was prompted by our continued concern about the way Federal actions have had disproportionately adverse effects on the health, environment and quality of life of Americans in minority and lower-income communities.

Too often these communities—because of their low income or lack of political visibility—are exposed to greater risks from toxins and dangerous substances because it has been possible to locate waste dumps, industrial facilities, and chemical storage warehouses in these communities with less care than would be taken in other locations.

The sad fact is that in some eyes these communities have appeared as expendable—without full appreciation that human beings, who deserve to be treated with respect and dignity, are living, working, and raising families there.

This needs to give way to policies focused on providing clean, healthy and quality environments within and around these communities. When that happens, we provide hope for the future and enhance the opportunities that these citizens have to improve their condition.

This amendment, like our bill, would help do just that. The amendment, like our bill, essentially codifies an Executive Order that was issued by President Clinton in 1994. That order required all Federal agencies to incorporate environmental justice considerations in their missions, develop strategies to address disproportionate impacts to minority and low-income people from their activities, and coordinate the development of data and research on these topics.

Although Federal agencies have been working to implement this order and have developed strategies, there is clearly much more to do. We simply cannot solve these issues overnight or even over a couple of years. We need to ''institutionalize'' the consideration of these issues in a more long-term fashion—which this bill would do.

In addition, just as the current policy was established by an administrative order, it could be swept away with a stroke of an administrative pen. To avoid that, we need to make it more permanent—which is also what this amendment, like our bill, would do.

It would do this by statutorily requiring all federal agencies to—make addressing environmental justice concerns part of their missions; develop environmental justice strategies; evaluate the effects of proposed actions on the health and environment of minority, low-income, and Native American communities; avoid creating disproportionate adverse impacts on the health or environment of minority, low-income, or Native American communities; and collect data and carry out research on the effects of facilities on health and environment of minority, low-income, and Native American communities.

It would also statutorily establish two committees: The Interagency Environmental Justice Working Group, set up by the Executive Order to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquiries regarding environmental justice issues; and a Federal Environmental Justice Advisory Committee, appointed by the President, including members of community-based groups, business, academic, State

agencies and environmental organizations. It will provide input and advice to the Interagency Working Group.

In a nutshell, what this amendment—like our bill—would do is require Federal agencies that control the siting and disposing of hazardous materials, store toxins or release pollutants at federal facilities, or issue permits for these kinds of activities to make sure they give fair treatment to low-income and minority populations—including Native Americans. The bill tells Federal agencies, ''In the past these communities have endured a disproportionate impact to their health and environment. Now we must find ways to make sure that won't be the case in the future.''

I urge adoption of the amendment.

Mr. BARTON of Texas. Mr. Chairman, I urge a ''no'' vote, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

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

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. HASTINGS) will be postponed.

The point of no quorum is considered withdrawn.

The Acting CHAIRMAN. It is now in order to consider amendment No. 30 printed in House Report 109–49.

AMENDMENT NO. 30 OFFERED BY MR. CASTLE

Mr. CASTLE. 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. 30 offered by Mr. CASTLE: In title III, strike section 320, and make the necessary conforming changes in the table of contents.

The Acting CHAIRMAN. Pursuant to House Resolution 219, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

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

I am very concerned about the process by which terminals for LNG will be selected in this country. Let me say, I support natural gas. I support the use of liquefied natural gas. I understand we need ports. I also understand the nearer they are to the pipeline the better off we are. But the bottom line is that the process that is in this legislation which supplants the existing process, in my judgment, tramples on the rights of the States and the individual communities, as they have indicated in their letters to us, to be able to influence these decisions that are made.

If you read this carefully, you will see that H.R. 6 requires FERC to consult with the State, but it clearly removes the directive that FERC base its decision on community support or opposition, which it does now.

States do a heck of a lot more than consult. At times they can object entirely. There may be problems. In the case of one being located in the Delaware River, New Jersey has some problems with it, in terms of boats being able to turn and environmental issues, whatever it may be. There are a lot of problems across the United States of America.

My judgment is that we are taking absolutely the wrong step by this rather strong measure that turns over to this Federal commission the right to make local decisions. That is something that none of us in the Congress of the United States should endorse.

So for that reason I hope the amendment reverting to where it was before would be accepted.

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

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. BARTON of Texas. I yield to the gentleman from Tennessee.

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

Mr. WAMP. Mr. Chairman, I rise to make remarks on the subrogation provision in the Price Anderson section of H.R. 6.

Mr. Chairman, I would like to discuss a provision in this bill that I have some concerns with.

I have the pleasure of representing the Department of Energy sites in Oak Ridge, Tennessee. This site is a natural asset that not only has a vitally important defense mission, a growing and prominent science mission, but an ongoing active environmental cleanup activity. I am proud of the caliber of contractors we have in Oak Ridge and the work they do for our country.

I have some concerns with Section 612 in the nuclear title of this bill.

This provision, dealing with Price Anderson Act indemnity, is reportedly designed to make DOE contractors more ''financially accountable'' for their actions in support of the DOE nuclear mission.

The fact is that there are already a wide variety of mechanisms in place to ensure DOE contractor accountability: from civil penalties of up to $110,000 a day; to stop work orders; to contract terminations; to criminal fines and imprisonment. There is no evidence that additional sanctions are needed.

In the 48-year history of Price Anderson, no government contractors have been found to have engaged in ''willful misconduct.''

Are we willing to ask the government's best contractors at all levels, the ones we want involved in this business, to face significantly increased financial risks that have and will likely remain uninsurable?

I believe that we presently have sufficient mechanisms in place to hold the contracting community accountable. The inclusion of this provision in the final Energy bill will have the opposite effect as intended. Rather than adding to financial accountability it will drive the most prudent and best performing contractors out of the DOE nuclear market.

I do not want to imagine a time when the activities at Oak Ridge are not being conducted by the most qualified DOE contractors.

If Section 612 was enacted, I fear that it will have a detrimental impact on not only the defense mission of DOE, but on most of the government's nuclear science activities.

I look forward to working with Chairman BARTON and the Energy and Commerce Committee to perfect this provision as we head to Conference with the Senate.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CALVERT) for purposes of a colloquy.

Mr. CALVERT. Mr. Chairman, I want to thank the gentleman for engaging in this colloquy with me addressing the Department of Defense, DOD's concern in any decision FERC would make authorizing the siting of liquefied natural gas facilities, LNG, on or contiguous to our defense installations.

Mr. Chairman, I know and believe our colleagues all recognize the extreme importance of our duty to ensure that our men and women in uniform are able to operate and train in an environment free of any unnecessary constraints.

Should a proposal to site an LNG terminal be on or adjacent to a military installation or range, I believe there would be concerns that should be addressed as to whether there may be an impact upon military operations, training and readiness. Among the factors that may impact the day-to-day operations of a military installation or range include the actual location of an LNG storage and regasification unit, shipment routes, frequency of shipments, natural gas pipelines, maintenance and inspection regimes, and other activities mandated by Federal and State laws and regulations.

I have spoken with the officials at the Department of Defense and assessing non-military impacts to installation operations and training is something they are capable of and in fact do on a regular basis. It is my belief the Department of Defense should have a role in assessing the impact of such proposed sitings to be considered on or contiguous to a military installation or range. I believe that the commission should consider the Department's evaluations so that any siting does not interfere with our military's duties as prescribed in title 10 of the U.S. Code.

Mr. Chairman, can you confirm that we can discuss this concern further at conference?

Mr. BARTON of Texas. If the gentleman will yield, Mr. Chairman, I tell

the distinguished gentleman from California, my good friend, that we can discuss this further at conference and I look forward to that.

Mr. CALVERT. I thank the gentleman.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I thank the chairman for working with me to put this into the base bill.

Since 1999 natural gas prices have more than tripled to over $7. It is off the charts now. It is projected that if we do not do anything about natural gas supplies, it could reach $13, $14 by 2020.

What does that mean?

It means higher heating bills; 65 percent of my constituents heat their homes in Nebraska by natural gas. By the way, we have lost, Mr. Chairman, about 3 million jobs in the industrial manufacturing bases. Just for our farmers, our agricultural folks in the Midwest, farmers have seen the prices of nitrogen fertilizer increase from $175 per ton in 2000 to more than $400 this planting season, and we have lost half of our fertilizer manufacturers chasing the lower natural gas prices.

Mr. Chairman, in regard to safety, the gentleman wrote into this language specifically giving the States the right to participate in this process, and I encourage my colleagues to vote ''no.''

Mr. CASTLE. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this photo behind me is an LNG tanker in Boston Harbor delivering LNG to Everett, Massachusetts. Right behind you can see East Boston High School. If there was a terrorist attack, if there was an accident, you would not call the Federal Government. It would be the local police, the local fire department, the local emergency medical technicians that would respond.

The Republican bill eliminates the State and local participation in determining where a facility like this would be placed. Now, it is not like there is a crisis. In America there were two of these facilities in 2001. There are now five. Six more have already been licensed by the State governments and the Federal Government in the United States. There is no crisis.

So why are the mayors, why are the Governors being walled out? It is because the Republican majority wants to hand it over to the Federal Government and to the natural gas industry. But it would be very dangerous to exclude the communities that are most affected, especially when States know they need the LNG, we admit that, but we want to put it in more remote areas in the State or perhaps offshore and have it be piped in. But the Republican majority says, no, we want to put it in the most densely populated areas and wall out all Governors, all State officials.

Vote ''yes'' for the Castle amendment. Protect States' rights.

Mr. BARTON of Texas. Mr. Chairman, I commend the gentleman from Massachusetts (Mr. MARKEY) on his visual.

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

Mr. SHIMKUS. Mr. Chairman, I always enjoy following my colleague. He is very impassioned. He is just wrong on this.

The picture that the gentleman put up, he wants it offshore and wants it piped in. One of the most crazy things ever to happen to me is I am sitting in my office and the energy company comes in. They are excited about building an LNG facility in the Bahamas and they want to pipe this natural gas in to Florida.

Now, who gets the tax revenue from that facility? Not the United States. Who will get the jobs from that facility? Not the United States. Who is going to get energy security from that facility? Not the United States. Who has a problem with a pipeline underneath the ocean? We do.

I just cannot believe that we want to give up the jobs, the energy security, and the ability to have these facilities in the United States and put them in remote areas, many of them outside the continental United States.

If we want good jobs, we want lower prices, we want to help our farmers with lower fertilizer deals, we have to defeat this amendment.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I urge strong support of the Castle-Markey amendment to H.R. 6. This amendment would ensure that the States have a proper role in the siting of energy facilities.

There is this photograph of a large tanker in Boston Harbor. I do not have the good fortune to represent a city like Boston, but there are four, five or six communities in my congressional district, communities of 1,000; 5,000; or 10,000 people where a facility like this would change the basic characteristics of that community forever.

Some people are passionately for the LNG facilities. Other people are passionately against the LNG facilities. I have told these folks they get the chance to decide and not a bureaucrat 3,000 miles away.

Vote for this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Houston, Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, my colleagues supporting this amendment say we do not have a crisis. We do have a crisis. Natural gas prices are triple what they should be. We are paying more to heat and cool our homes and also for our raw materials for our chemical industry and all of our industries, so we need to do something.

The solution is to either drill more or import it, and LNG is one of ways we can do it. We have a great safety record not only in our own country but worldwide in liquefied natural gas. And it is frustrating when you say you do not want to drill, you do not want to refine, and you do not even want to import. The only way you will get around then is by walking.

In Houston, we are too big to walk so we will have to have gasoline and we have to have something to cool our homes in the summer.

The low natural gas supply is impacting our jobs and driving up electricity prices causing higher consumer prices. Higher prices are leading to inflation and slow-down worries, which is why Alan Greenspan testified before our committee that the United States needs more LNG.

LNG import terminals can be our interstate commerce. That is why we need to have a Federal role, but the States will still have a very important role in this process.

States will have influence over the kind and use of facility; the existing and projected population of the local area; the existing and proposed land use near the local area; and the natural and physical aspects of the location.

The bill creates new authority for states to inspect LNG terminals for safety and security, beyond what they have in interstate natural gas projects.

Low natural gas supply is impacting jobs, driving up electricity prices, and causing higher consumer prices for a variety of goods and services.

Higher prices are leading to inflation and slowdown worries, which is why Alan Greenspan testified to our Committee that the U.S. needs more LNG.

LNG import terminals are engaged in both foreign and, in most cases, interstate commerce. LNG is a matter of national or, at the very least, regional importance.

Approval and siting is properly done in the national interest consistent with the Commerce Clause of the Constitution. The Federal Energy Regulatory Commission has sited interstate natural gas pipelines under the Natural Gas Act since 1942.

States participate in the FERC's National Environmental Policy Act process, and have new authority in this bill to inspect for safety and security.

States retain their authority to issue or deny permits under federal statutes such as the Coastal Zone Management Act and the Clean Water Act. This bill takes away no state authority, as long as state permitting agencies issue timely decisions.

Let me repeat: State permitting authority remains in place under H.R. 6. States can still deny LNG facilities on their coasts. But they need a reason—Clean Air Act, Clean Water Act, or the Coastal Zone Management Act.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I ask unanimous consent that we extend debate by 2 minutes on both sides.

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

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I rise in support of my friend's amendment.

When there is a decision being made to site a plant which, if there were an accident, could be catastrophic, I think that the people who make the decision whether to build the plant or not should be politically accountable to the people who live in the place where the plant is going to be sited, they should have visited the place where the plant is going to be sited, and they should have some clue as to what the locality is of where the plant will be sited.

The issue is who gets to decide, a stranger or someone intimately familiar with the community.

For all those who believe in home rule, vote ''yes'' on the Castle amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

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

Mr. MURPHY. Mr. Chairman, natural gas prices have risen by over 300 percent since 1998. And while we are concerned about jobs going overseas, let us be reminded that we pay 25 percent more than China and 14 percent more than Europe. We have lost some 3 million manufacturing jobs in this Nation related to higher natural gas prices since 1999. In the last 5 years, 90,000 jobs from the chemical industry alone have been lost because of higher natural gas prices.

We have doubled the price of fertilizer which increases the price for farmers which is passed on in higher food costs. Homeowners have seen a 55 percent increase in natural gas prices in their home.

This is the issue of the law of supply and demand. If we want to increase the supplies, if we want to lower the cost, if we want to save jobs in America that so many people talk about here all the time, we have to have more natural gas in this country, which means we should be opening up safe opportunities, allow States to monitor this, all of which is in the energy bill.

I recommend my colleagues oppose this amendment so we can keep jobs and keep natural gas prices lower.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

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

I support the Castle-Markey amendment and would say to my fellow Republicans, if this is the party that believes in local government and decisions being made on the local level and the State level as opposed to the Federal level, you would be supporting this amendment.

□ 1515

It seems absolutely clear as can be to me that if you do not give authority, some authority, and rights to States and local communities, you are going to have companies come in and bully their way because they will not have to be answerable. They will not have to work out problems with their States and local governments. They will just have the capability to advise, and advice means very little.

Mr. Chairman, I rise in strong support of the Castle-Markey-Shays-Andrews amendment, striking the Liquefied Natural Gas (LNG) siting language contained in Section 320 of H.R. 6.

There are risks as well as benefits associated with the siting and expansion of LNG terminals in populated areas. It is essential states be able to evaluate their effect on sensitive coastal areas. In Long Island Sound just off Connecticut, there is a very real possibility that a facility will be sited with little to no state or local input.

We propose an amendment to restore the role of state and local authority in citing decisions. States and localities should be able to maintain the ability to review and impact decisions that could pose serious environmental and health hazards to its coastal areas and its citizens.

My party has always believed state and local governments know best what works in their communities.

Mr. Chairman, while energy security is a national issue, it seems to me, local communities, who will live with our decisions far into the future, deserve a voice in the decision-making process.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I appreciate the gentleman yielding me time.

Mr. Chairman, we had a speaker just a few moments ago who said that we were going to have to give up jobs, taxes and energy security if we had a pipeline that brought gas to Florida from out of the country.

I will tell my colleagues, in Rhode Island we would welcome the chance to have our gas piped in from some other country because the fact of the matter is, our State knows, as every other State that has an LNG facility knows, that if we were to ever have that explode, it would decimate a 50-mile radius.

We will take our lives over our jobs, over our taxes, over our security. Let us support the Castle amendment.

Mr. CASTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this issue is one of whether or not you want the Federal Government to decide if you are on a coastline in the United States that an LNG facility is coming to your district. If you want your governor, your mayors to have a role, some role, in deciding where an LNG facility is located, which would have catastrophic consequences if there was an accident or terrorist attack, you vote ''aye'' on the Castle amendment.

If you just want the Federal Government to decide in the middle of your district where this most attractive of all terrorist targets will be located, then you vote ''no,'' but understand the consequences on the floor today.

Mr. CASTLE. Mr. Chairman, it is my understanding that the chairman of the committee has the right to close? He is the only speaker they have. I am the final speaker.

I yield myself the balance, which I believe is 2 minutes.

Mr. Chairman, actually the gentleman from Texas (Mr. BARTON) and I were just discussing this. It is a shame we do not have more time for this amendment. It is a pretty significant amendment. It is complicated, and I have spent a lot of time trying to educate myself as to what the procedures were before and what they are now. It could be a little bit difficult, and there is a court suit pending in California, and obviously we need this. I will be the first to tell my colleagues that.

On the other hand, for the States and the local areas to give up their jurisdiction and their ability to influence this decision, I think would be absolutely wrong.

I have read this statute very carefully. For instance, it says on page 13: ''The term 'Federal authorization' means any authorization required under Federal law in order to construct, expand, or operate a liquefaction or gasification natural gas terminal, including such permits, special use authorizations, certifications, opinions, or other approvals as may be required, whether issued by a Federal or State agency.''

You are basically taking what has been partially codified and developed by procedure, and you are trying to codify it here in what is a much tighter measure, giving to the energy commission the ability to make the decision and overrule what happens at the State and local levels. That is the problem that I have.

And certainly the chairman may get up and say, Well, that is not quite what it is.

It certainly can be interpreted that way. If we look at this language, it certainly appears to be that way, as far as I am concerned.

They talk about safety inspections. That is after it has already been built. So that does not do us any good as far as the original preparation is concerned.

I think we need to do more than just consult. That is what the State role now becomes; it becomes consulting. And let me tell my colleagues something. This may be more than just the terminals for LNG. This could end up being other things, not in this legislation necessarily, but this commission could reach out and start to deal with energy lines, could start to deal with pipelines and a variety of other things, taking away the local jurisdiction over land.

If we want to protect what happens at our homes, we need to have a process by which we involve the local community, and by involving the local community, we make the right decisions. Yes, we have to make them, but let us not forget the States and the

local communities; and that is what, in my judgment, this legislation would do if we do not amend it.

Support the Castle amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Castle-Markey amendment, and I wanted this behind me. I do not oppose this at all except that the color is burnt orange, which is the University of Texas, and this is Aggie Muster Day, April 21, when Sam Houston and his Texans routed the Mexicans at the battle of San Jacinto and won independence for my great State. So this is a sacred day in Aggie history, and that is the only thing I object to.

When I look at this, what I see is energy for America, I see security for America, and I also see safety. Admittedly, it is a big boat and it looks threatening, I will grant that; but we already have existing provisions in law to make sure that these terminals that are already in existence are as safe it is possible to be. I am not aware of any major accident, and I would stand corrected if the gentleman from Delaware (Mr. CASTLE) or the gentleman from Massachusetts (Mr. MARKEY) says there has been, but I am not aware of that.

This particular section of the bill that is before us simply says that we are going to need more LNG facilities, which is shorthand for liquefied natural gas; and we have tried to craft in the guarantee that the State has a stronger role, not a weaker role. We do not preempt any State permit. If the State of Massachusetts or Delaware or California or any other coastal State, if through their own permitting process they make the decision that the terminal should not be built, it will not be built.

What this provision does is, if a State agency has not made a decision, has refused to make a decision, and one of the parties goes into the district court here in Washington, D.C., and asks that a decision be made, that will expedite the decision-making process.

For the first time, if this provision of the bill were to become law, we would give the States a guarantee to actually go in and inspect these facilities under Federal law, not under State law, but under Federal law. They do not have that right now.

I have told the gentleman from Delaware, and I will tell the gentleman from Massachusetts, if we defeat this amendment and we go to conference with the existing language and we need to in some way strengthen the States' rights end of this provision, I am going to be for that. I come from a coastal State.

I come from a coastal State. I want the safest possible. That is why we have the increased State guarantee in the bill, because I insisted upon it; but we cannot stick our heads in the sand and say we do not need more LNG facilities.

We need more energy for America. I wish we could produce it within our shores, but it does not look like that is going to be possible. We are going to have to go offshore.

We have about 30 pending permits for LNG facilities right now under consideration, and what this language does in the bill is give an expedited provision that the Federal Energy Regulatory Commission is the lead agency to expedite the Federal part of it. I believe this actually strengthens the State role.

So I would respectfully ask for a ''no'' vote on the Castle-Markey amendment, and then what we need to work on in the conference we will work on.

Mr. BISHOP of New York. Mr. Chairman, I rise to express my support of the amendment offered by Mr. CASTLE to strike the Liquefied Natural Gas (LNG) Siting provision in H.R. 6. The language included in H.R. 6 silences the voices of state governments, local municipalities, and environmental advocacy organizations during the LNG terminal site selection process.

Mr. Chairman, the language in H.R. 6 solidifying FERC's exclusive role in the siting of LNG terminals is entirely unnecessary. Until recently, only one LNG importation terminal existed in the country. There are now five in operation and 6 more have already been approved by federal regulators. The process for selecting sites and approving LNG importation terminals is working and in no way requires removing partial-authority from states. The new FERC rule would be another example of catering to the already too powerful oil and gas industry.

Furthermore, when I cast my vote in support of Mr. CASTLE's amendment to preserve states' rights and strike this language from H.R. 6, I know that I will also be speaking for many others residing in my district and across the Nation. Numerous organizations and legislative bodies who seek to be heard will speak through my vote, including, but certainly not limited to the League of Conservation Voters, National Association of Counties, U.S. Public Interest Research Group, National League of Cities, U.S. Conference of Mayors, and the National Conference of States Legislatures, and so many more.

A quarter-mile long floating LNG importation terminal has been proposed in the Long Island Sound between Connecticut and Long Island. Lawmakers and civic organizations at every level of government in my congressional district have expressed their opposition to this proposal and are furious at the prospect that their voices will be silenced during the FERC approval process. Mr. CASTLE's amendment, if passed, will allow their opinions to count.

The Long Island Sound is an environmentally unique estuary that needs to be protected. The residents and elected officials of Long Island have fought vigorously for many years and spent millions of dollars to preserve the quality of life that the Long Island Sound offers. Additionally, our tourism and fishing industries, which provide billions of dollars to the state's economy, will be threatened, as fishermen will undoubtedly be displaced.

Mr. Chairman, I will speak for my constituents by lending my support to Mr. CASTLE's amendment. I urge my colleagues to support this bipartisan measure.

Mr. ISRAEL. Mr. Chairman, I rise today in support of Mr. CASTLE's amendment.

Under current law three new liquid natural gas facilities have been constructed in recent years and six others approved. Current law permits construction of liquid natural gas facilities but it doesn't do what this bill in its present form would do: virtually guarantee construction of liquid natural gas facilities in any location where there is a strong energy demand regardless of state and local concerns that arise. These concerns can include safety, environmental risks and/or terrorist threats.

These are not concerns that should be divorced from the approval process. In fact, these concerns, and state and local governments' ability to represent them, ought to be elevated in importance. Our nation has a heritage of listening to the voice of its people. This legislation serves only to silence the voice of Americans.

The leadership of this House has turned a deaf ear to the concerns of Long Islanders and to the many Americans in predicaments like my constituents. By granting full authority over the zoning of liquid natural gas facilities to the federal government, this bill grossly violates the so-called Republican principle of local control.

Before moving forward with any legislation in regards to liquid natural gas facilities, this body must fully vet the issue through hearings and the commissioning of appropriate studies. Not a single hearing on the pros and cons of the consequences of shifting zoning authority away from the states and to the federal government was held. This is nearsighted and irresponsible.

The Castle amendment ensures that local oversight over these vital zoning issues remains. It provides time for the proper detailed review of potential legal changes. I urge my colleagues to support the Castle Amendment and to prevent this federal power grab.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

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

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

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Delaware (Mr. CASTLE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

amendment No. 25 by Mr. KUCINICH of Ohio;

amendment No. 27 by Mr. GRIJALVA of Arizona;

an amendment by Mrs. CAPPS of California;

amendment No. 29 by Mr. HASTINGS of Florida;

amendment No. 30 by Mr. CASTLE of Delaware.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 25 OFFERED BY MR. KUCINICH

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 171, not voting 4, as follows:

[Roll No. 127]

AYES—259

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Costa
Costello
Cox
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doolittle
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Portman
Price (NC)
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rogers (AL)
Rogers (MI)
Rohrabacher
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
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (FL)

NOES—171

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Marchant
Matheson
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Turner
Walsh
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—4

Berman
Fossella
Kelly
Velázquez

□ 1553

Messrs. KINGSTON, CAPUANO, and MORAN of Kansas changed their vote from ''aye'' to ''no.''

Messrs. DELAY, BURTON OF INDIANA, BURGESS, GIBBONS, SHIMKUS, PORTER, WELLER, GERLACH, UPTON, RENZI, SHUSTER, SAXTON, WAMP, GALLEGLY, MCHUGH, KIRK, MURPHY, TIAHRT, BRADY of Texas, COBLE, REYES, RAMSTAD and Mrs. MILLER of Michigan changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 27 OFFERED BY MR. GRIJALVA

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 203, noes 227, not voting 4, as follows:

[Roll No. 128]

AYES—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Carnahan
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
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
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Ryan (WI)
Ryun (KS)
Salazar
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Brown, Corrine
Kelly
Mica
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1601

Mrs. JONES of Ohio and Mr. GORDON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. CAPPS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 213, noes 219, not voting 3, as follows:

[Roll No. 129]

AYES—213

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gilchrest
Goode
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—219

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (IL)
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—3

Keller
Kelly
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1610

Mr. RYAN of Wisconsin changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 185, noes 243, not voting 6, as follows:

[Roll No. 130]

AYES—185

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
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
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—243

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
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
Edwards
Ehlers
Emerson
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
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
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
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
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Cubin
English (PA)
Hall
Kelly
Shays
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1617

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SHAYS. Mr. Chairman, on April 21, I inadvertently missed a recorded vote.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that I would have voted ''yes'' on recorded vote number 130.

AMENDMENT NO. 30 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Delaware (Mr. CASTLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 194, noes 237, not voting 3, as follows:

[Roll No. 131]

AYES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bonner
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kaptur
Keller
Kennedy (RI)
Kildee
Kind
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Platts
Price (NC)
Rahall
Ramstad
Rangel
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher

| | | |
|---|---|---|
| Taylor (MS) | Wasserman Schultz | Weldon (PA) |
| Thompson (CA) | Waters | Wexler |
| Thompson (MS) | Watson | Wolf |
| Tierney | Watt | Woolsey |
| Udall (CO) | Waxman | Wu |
| Udall (NM) | Weiner | Young (FL) |
| Van Hollen | | |

NOES—237

| | | |
|---|---|---|
| Aderholt | Gillmor | Neugebauer |
| Akin | Gingrey | Ney |
| Alexander | Gohmert | Northup |
| Bachus | Gonzalez | Norwood |
| Baker | Goode | Nunes |
| Barrett (SC) | Goodlatte | Nussle |
| Bartlett (MD) | Gordon | Ortiz |
| Barton (TX) | Granger | Osborne |
| Bass | Graves | Otter |
| Beauprez | Green (WI) | Owens |
| Berry | Green, Al | Oxley |
| Biggert | Green, Gene | Pearce |
| Bilirakis | Hall | Pence |
| Bishop (GA) | Harris | Peterson (MN) |
| Bishop (UT) | Hart | Peterson (PA) |
| Blackburn | Hastings (WA) | Petri |
| Blunt | Hayes | Pickering |
| Boehner | Hayworth | Pitts |
| Bonilla | Hefley | Poe |
| Bono | Hensarling | Pombo |
| Boozman | Herger | Pomeroy |
| Boren | Herseth | Porter |
| Boswell | Hinojosa | Portman |
| Boucher | Hobson | Price (GA) |
| Boustany | Hoekstra | Pryce (OH) |
| Bradley (NH) | Holden | Putnam |
| Brady (TX) | Hostettler | Radanovich |
| Brown-Waite, Ginny | Hulshof | Regula |
| Burgess | Hunter | Rehberg |
| Burton (IN) | Hyde | Reichert |
| Buyer | Inglis (SC) | Renzi |
| Camp | Issa | Reyes |
| Cannon | Istook | Reynolds |
| Cantor | Jackson-Lee (TX) | Rogers (AL) |
| Capito | Jefferson | Rogers (KY) |
| Carter | Jindal | Rogers (MI) |
| Chabot | Johnson (IL) | Ros-Lehtinen |
| Chocola | Johnson, Sam | Ross |
| Coble | Jones (OH) | Royce |
| Cole (OK) | Kanjorski | Rush |
| Conaway | Kennedy (MN) | Ryan (WI) |
| Cooper | Kilpatrick (MI) | Ryun (KS) |
| Cox | King (IA) | Schwarz (MI) |
| Cramer | Kingston | Scott (GA) |
| Crenshaw | Kline | Sensenbrenner |
| Cubin | Knollenberg | Sessions |
| Cuellar | Kolbe | Shadegg |
| Culberson | Kuhl (NY) | Sherwood |
| Cummings | LaHood | Shimkus |
| Cunningham | Latham | Shuster |
| Davis (AL) | LaTourette | Simpson |
| Davis (KY) | Leach | Skelton |
| Davis (TN) | Lewis (CA) | Smith (TX) |
| Davis, Tom | Lewis (KY) | Sodrel |
| Deal (GA) | Lucas | Stearns |
| DeLay | Lungren, Daniel E. | Sullivan |
| Dent | Manzullo | Sweeney |
| Diaz-Balart, L. | Marchant | Tancredo |
| Diaz-Balart, M. | Marshall | Taylor (NC) |
| Doolittle | Matheson | Terry |
| Doyle | McCaul (TX) | Thomas |
| Drake | McCotter | Thornberry |
| Dreier | McCrery | Tiahrt |
| Duncan | McHenry | Tiberi |
| Edwards | McHugh | Towns |
| English (PA) | McIntyre | Turner |
| Everett | McKeon | Upton |
| Feeney | McMorris | Visclosky |
| Ferguson | Melancon | Walden (OR) |
| Fitzpatrick (PA) | Mica | Walsh |
| Flake | Miller (MI) | Wamp |
| Foley | Miller, Gary | Weldon (FL) |
| Forbes | Moran (KS) | Weller |
| Fortenberry | Moran (VA) | Westmoreland |
| Foxx | Murphy | Whitfield |
| Franks (AZ) | Murtha | Wicker |
| Gallegly | Musgrave | Wilson (NM) |
| Garrett (NJ) | Myrick | Wilson (SC) |
| Gibbons | | Wynn |
| | | Young (AK) |

NOT VOTING—3

| | | |
|---|---|---|
| Kelly | Souder | Velázquez |

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1626

Mr. MORAN of Virginia changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HASTERT. Mr. Chairman, American consumers are being hit hard at the gas pump right now. The legislation we have on the floor today will go a long way towards giving our Nation the sound, comprehensive energy policy that our citizens need and deserve.

Our Nation is too dependent on a fickle foreign oil market that is being stretched to the limit by global demands.

The evidence can be seen at gas stations across the United States. Recently, the national average price of gasoline hit an all-time high of $2.28 a gallon. Oil prices, at one point, jumped to almost $58 a barrel. Analyst forecast a higher spike to $60 soon.

In some parts of the country, like the West Coast, gas has jumped to more than $2.50 for a gallon of unleaded.

The House has passed energy legislation three times. Each time it has been blocked for partisan gamesmanship.

Meanwhile, families are finding it more expensive to plan a family vacation or even drive their kids to little league practice. Many of our small business owners, like florists, truck drivers and pizza delivery companies, are struggling to make ends meet.

This is unacceptable. America is in the midst of an energy crisis that threatens our national and economic security.

The House legislation does a number of things to address the crisis.

It reduces our dependence on foreign oil by expanding domestic supplies and allowing oil and gas exploration right here in the United States. Incentives are provided for the energy industry to increase refining capacity for gasoline, diesel fuel, home heating oil and jet fuel.

And, this legislation makes a significant venture into the use of renewable fuels like ethanol and biodiesel—environmentally safe alternatives that can be found in the corn, soybean and sugarcane fields right here in the United States.

Under this legislation, our citizens would have access to more fuel efficient cars. It launches a state-of-the-art program to have emission-free hydrogen fuel cell vehicles on the road by the year 2020.

And, it provides grants to State and local governments to acquire alternative fueled vehicles, hybrids and ultra-low sulfur vehicles.

There's also a positive economic aspect to the bill. It would create nearly half a million jobs in the manufacturing, construction, agriculture and technology sectors.

House Republicans have produced a bill that is environmentally friendly yet comprehensive, sound and balanced. More importantly, it eases America's dependence on an unpredictable foreign market.

This legislation provides a clear path towards the more efficient, reliable and affordable energy policy that our citizens deserve. I urge the obstructionists to put partisan politics aside for the good of the American people and support this legislation.

Mr. ENGEL. Mr. Chairman, serious problems deserve respectful consideration. The intense polarization of the energy debate has been compounded by the leadership's insistence on repeatedly forcing Congress to consider essentially the same bill. Congress had a great opportunity to produce a balanced energy policy that is diversified, reduces our dependence on oil and invests in alternative energy, but our leadership chose to essentially recycle an old bill that favors special interests over consumers.

This is not the way to make policy. American energy policy is at the crossroads and our national security is being compromised daily by our dependence on foreign energy supplies. Today, oil is at over $50 per barrel and we still haven't passed reliability standards to address the electricity blackout that assaulted the Northeast and Midwest in 2003. Blackouts cost consumers $80 billion, and yet this bill caps the necessary spending to do an acceptable job of providing reliability. Partisan politics have paralyzed this Congress into deadlock and our Nation's energy has suffered the consequences.

Although I appreciate Chairman BARTON's willingness to extend hearings on energy this year prior to the 109th Congress's consideration of the Energy Policy Act, I was very disappointed that a letter that 14 of my colleagues and I sent to Chairman BARTON at the beginning of February requesting that our committee invite the National Commission on Energy Policy to testify went unanswered. In February, Secretary Bodman testified of his familiarity with the NCEP's report and of his willingness to work with Congress to produce a bill in a bipartisan fashion. If the NCEP was able to bridge the differences between Republicans and Democrats, industry and labor, perhaps we could have too.

And yet, here we are again, with a bill strikingly similar to the one we considered over two years ago. There is a laundry list of problems in this bill. There is nothing in this bill that reduces our consumption of oil or reduces the price of oil. The Energy Information Agency has stated in a 2004 report that under policies proposed by the Energy Policy Act, by 2025, U.S. consumption is projected to increase to 28.3 million barrels per day and our country would increase its imports of foreign oil by 85 percent. It even found that gasoline prices under the bill would increase more than if the bill was not enacted.

The bill's provision protecting manufacturers of MTBE from liability for contaminating water supplies means that taxpayers will bear billions of dollars in cleanup costs, while at the same time paying MTBE manufacturers $2 billion in subsidies. In a much anticipated ruling yesterday in the Southern District of New York, a Federal judge who had consolidated over 80 MTBE lawsuits brought by local governments and State Attorney Generals, ruled that all of the cases can proceed against the oil industry. Including the MTBE liability waiver in the bill would essentially undermine this ruling, while at the same time cutting off the most effective tool that States and local governments have utilized to clean up their drinking water.

New York, which banned MTBE on January 1, 2004, will long be dealing with the repercussions of MTBE contamination. The New York State Department of Environmental Conservation says there are about 10,000 MTBE spills throughout the state. The average cost per clean up is about $1 million which translates to a cost of about $10 billion statewide.

In and around Jamaica, Queens, where more than a million NYC residents and businesses rely on groundwater instead of surface

water from the upstate reservoirs, MTBE has contaminated much of the groundwater supply in the aquifer. Gasoline refiners choose less expensive MTBE from among a number of oxygenate options and knew at the time of the contamination risk that MTBE posed to groundwater. The refiners should therefore pay for MTBE remediation efforts.

Perhaps most insulting to the taxpayers is the billions to be spent to prop up the ailing nuclear power industry. I have long supported shutting down Indian Point nuclear power plant because of safety concerns for New Yorkers. Yet, the Republicans in Congress have ignored these safety issues and instead provided tax dollars to subsidize building new power plants. While I am not opposed to nuclear power, these tax dollars would be better used to insulate homes and assist renewable energy production methods in being brought to market.

The fact of the matter is that this bill has some bad provisions that are simply anticonsumer and anti-environment. H.R. 6 weakens laws such as the Safe Drinking Water Act and the Leaking Underground Storage Tank program that protect the environment and the public health. This bill will allow oil drilling in the Alaska National Wildlife Refuge, even though the oil won't be available for a decade and even then at levels that would not significantly affect oil prices or imports.

I am proud that two of my amendments were accepted into the Energy Policy Act. The first, which I introduced during the House Energy and Commerce Committee consideration of H.R. 6, expresses the sense of Congress that energy cooperation between the United States of America and Israel is mutually beneficial, acknowledges the cooperative agreement between the U.S. and Israel and states the Department of Energy should report on past and future cooperative energy projects between the U.S. and Israel.

My second amendment expanded opportunities for producers of renewable fuels, such as P-Series fuels, to get grant funding. Currently, there is no available technology that can convert much of the urban biomass waste into ethanol. Yet there is at least one such technology that can convert urban biomass waste into components for another DOE recognized alternative fuel, called P-series fuels.

Since P-Series fuels are not derived from petroleum, the DOE concluded that P-Series fuels would effectively help replace petroleum imports. DOE also found P-Series to have environmental benefits because of the reductions in hydrocarbon and CO emissions, toxics, and greenhouse gases.

By virtue of my amendment, producers of alternative fuels like P-Series fuels will be able to responsibly address three problems: the need for non-petroleum energy sources, solid waste management, and affordability. This is good energy policy.

Our energy policy is intricately tied to our national security and our economic well-being. As the co-chair of the Congressional Oil and National Security Caucus, I know we need to ensure that our energy policy is diversified, reduce our dependence on oil, and create skilled jobs while reducing energy costs. We must ensure that we create policies that will protect the environment and our consumers. Unfortunately, this simply cannot be achieved under this Energy Policy Act, and so I must vote against it.

Mr. MEEHAN. Mr. Chairman, I rise in strong opposition to this imbalanced energy bill, which allows big energy companies to exploit our natural resources at the expense of U.S. taxpayers.

The bill would repeal the Public Utilities Holding Companies Act—PUHCA—which prevents big energy firms, like Enron, from driving smaller utilities out of business and monopolizing the energy market.

The bill includes a safe-harbor provision for MTBE manufacturers even though the chemical has been detected polluting groundwater sources across the Nation, including in Massachusetts.

The bill's authors included a variety of special-interest favors for oil and gas production despite the fact that producers are already reaping profits from record high energy prices. And yet President Bush himself admitted that it will do nothing to lower the price that consumers pay for gas at the pump.

And the bill would open the door to oil and gas exploration in the Arctic National Wildlife Refuge, a pristine habitat that would yield less than three-tenths of a percent of world oil production by 2015.

The California energy crisis and today's high fuel demands are evidence that the Nation needs an energy strategy that is focused on clean energy technologies and energy independence. The United States needs to become less reliant on foreign energy sources. We cannot drill our way to independence. The only effective strategy will balance increased fuel efficiency with renewable energy technologies.

Instead of using the technology we already have and could achieve to increase the fuel economy of new fleets of vehicles, the bill does little more than order a study.

Unfortunately, this bill will only worsen our Nation's dependence on fossil fuels imported from the Middle East. At current production levels the U.S. supply of oil will only last another 20 years, while the oil supply in Saudi Arabia is estimated to last another 75 years. Our reliance on Saudi oil is harmful to our environment and our values.

Fossil fuels like oil and coal provide the vast majority of energy for the United States. That was unlikely to change for the near future no matter what bill we had a chance to vote on. Unfortunately, this bill does little to put this Nation on a path to greater energy independence.

This bill does not represent a national energy policy—it is 1000 pages of shameless special interest giveaways. I urge its defeat.

Mr. EVANS. Mr. Chairman, I rise today to state my opposition to H.R. 6, the Energy Policy Act. We cannot simply seek more fossil fuel supplies and increase use of conventional energy sources as a long-term solution to improving the United States' energy security. Instead of creating a truly comprehensive plan for addressing our energy needs, this legislation sets us on the wrong path, making us more reliant on oil than we already are. It will not help consumers save on energy costs and it will not help the U.S. become energy independent.

This legislation sends us in the wrong direction by relying on the fuels of today to provide energy in the future. We cannot sacrifice investment in new, cleaner, domestic sources in order to pay $8.1 billion to oil producers in tax cuts and subsidies. I am pleased to see that H.R. 6 does contain some encouraging provisions, such as increasing use of ethanol and biodiesel, but these provisions are far outweighed by the bill's misguided support of oil. We need to create new, clean, renewable resources for addressing our current and future needs and develop technology and programs that encourage conservation.

This legislation would allow the oil industry, currently experiencing some of its most profitable years, to further their reach through exploration in sensitive environments, such as the Arctic National Wildlife Refuge, and the Great Lakes. Allowing such activities is misguided at best. Additionally, H.R. 6 takes MTBE producers off the hook for dirtying local drinking water supplies and passes the costs of the clean up to State and local government.

Additionally, this legislation will not stabilize the electricity market. One of the primary purposes of developing a comprehensive energy policy for the U.S. is to prevent another regional blackout and to prevent future Enron-like scandals. The legislation that was brought to the House floor exposes consumers to potential electricity scams by repealing the Public Utility Holding Company Act (PUCHA). This measure was enacted to prevent companies like Enron from holding monopolies and help consumers get justice when companies conspire to cheat. The Federal Energy Regulatory Commission is not designed to effectively protect consumers.

In order to create a policy that looks to future needs and U.S. security, we cannot rely on increased drilling and oil refineries. We must look to methods to reduce our need for energy and expand the domestic and renewable resources available to us. Finding new, efficient, clean, renewable sources of energy is not just better than continuing down the path H.R. 6 sends us on, it is necessary for the security of the U.S.

Mr. GREEN of Wisconsin. Mr. Chairman, today Congress took a significant step in establishing a comprehensive national energy plan to help lower gas prices and improve the reliability and accessibility of energy in Wisconsin. This legislation contains language I strongly support to reduce the price spikes caused by ''boutique fuels'' and helps expand the domestic supply of oil and gas.

This energy bill requires five billion gallons of renewable fuel to be included in all gasoline sold in the United States by 2015. This increased use of ethanol will save 1.3 billion barrels of oil by 2016 while helping support our rural economy.

Our Nation's electricity grid will also see considerable improvement. The bill provides for enforceable mechanisms to ensure reliability and stop future blackouts.

Although I am generally pleased by the passage of the energy bill, it nevertheless contains some disappointing provisions, and I will be working expeditiously in the weeks to come to improve the bill even further. In particular, I plan to push for the inclusion of a ban on oil and gas drilling in the Great Lakes. The Great Lakes represent a critical and treasured part of our environment, our economy and our identity. The risks drilling poses to the lakes are unacceptable.

I will also continue to lend my support to the effort to remove special liability protections for MTBE. We unfortunately came up short today to strip this MTBE language, but I'll keep up the fight until this provision is removed. The

manufacturers of MTBE should not be shielded from their responsibility to clean up contaminated groundwater.

Mr. MACK. Mr. Chairman, I rise today in support of the Energy Policy Act of 2005. This important legislation is critical to protecting and preserving our Nation's freedom, security, and prosperity.

Over the past decade, the United States' energy consumption has increased by more than twelve percent; however, our domestic production has increased by less than one-half of one percent. That means that our Nation is more and more reliant on foreign sources of energy. When our Nation depends on just a few countries for the majority of our energy, this adversely impacts American security. This is unacceptable.

Mr. Chairman, the Energy Policy Act of 2005 sets forth a comprehensive national energy policy. It reduces foreign energy dependence by requiring conservation and domestic exploration. By using less energy and opening up new areas for environmentally-responsible exploration, we will become less dependent on foreign sources of energy.

Finally, the Energy Policy Act of 2005 will provide an environment of certainty and stability that will foster prosperity in America. Rising energy prices is like a tax that Americans must pay everyday in the form of higher gas prices, higher costs to heat and cool our homes, and higher prices to move products across the country. Having a comprehensive energy policy will allow businesses to flourish as we will have reliable and dependable sources of energy.

Mr. Chairman, as a supporter of the Energy Policy Act of 2005, I encourage my colleagues to vote for this responsible measure.

Mr. UDALL of Colorado. Mr. Chairman, I regret that I cannot support this legislation.

There is nothing I'd rather vote for than a balanced energy bill that sets us on a forward-looking course—one that acknowledges that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy.

But at a time of sky-rocketing oil prices, this bill doesn't do what it needs to do—help us balance our energy portfolio and increase the contributions of alternative energy sources to our energy mix.

The bill is not all bad, of course. I support most of the provisions developed by the Science Committee, and I commend Chairman BOEHLERT and Ranking Member GORDON for their bipartisan approach.

In particular, I'm pleased that the Science Committee bill included generous authorization levels for renewable energy and energy efficiency R&D. As Co-chair of the Renewable Energy and Energy Efficiency Caucus, this funding is very important to me.

I am also pleased that this bill includes the Clean Green School Bus Act, a bill that Chairman BOEHLERT and I drafted that authorizes grants to help school districts replace aging diesel vehicles with clean, alternative fuel buses.

H.R. 6 also includes provisions from my bill, the Distributed Power Hybrid Energy Act, which would direct the Secretary of Energy to develop and implement a strategy for research, development, and demonstration of distributed power hybrid energy systems. It makes sense to focus our R&D priorities on distributed power hybrid systems that can both help improve power reliability and affordability and bring more efficiency and cleaner energy resources into the mix.

Unfortunately, though, this bill—like the ones we've debated twice before—remains all too reminiscent of that old Western movie—''the Good, the Bad, and the Ugly.'' In fact, over the years it has only gotten worse and uglier.

One of the ugliest parts is the provision that would open to drilling the coastal plain of the Arctic National Wildlife Refuge.

On that question, Congress is being asked to gamble on finding oil there. So, we first must decide what stakes we are willing to risk, and then weigh the odds. The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it ''is critically important to the ecological integrity of the whole Arctic Refuge'' which is ''America's finest example of an intact, naturally functioning community of arctic/subarctic ecosystems.''

Estimates are that there is six months' supply of economically recoverable oil in the refuge's coastal plain. While the economically recoverable amount could increase along with higher oil prices, we know for certain that drilling will change everything on the coastal plain forever. It will never be wilderness again. We do not need to take that bet. There are less-sensitive places to drill—and even better alternatives, including conserving energy and more use of renewable resources.

But the idea of opening the refuge is only one example of misplaced priorities or flawed policies concerning this legislation.

This bill would provide oil and gas companies massive forgiveness of royalty payments. It would shift the cost of MTBE cleanup from MTBE manufacturers to taxpayers—an unfunded mandate on our communities. That should not have been included in the bill.

Further, the bill significantly weakens the Clean Air Act by exempting states from having to clean up their dirty air if some of their pollution comes from ''upwind'' states. It would exempt industry from requirements of the Safe Drinking Water Act when they inject diesel fuel and other harmful chemicals into the ground during drilling.

It would repeal the heart of the National Environmental Policy Act for energy projects by eliminating the requirement that agencies examine alternatives that could lead to lesser harm or greater benefits. It would repeal the Public Utility Holding Company Act, a law that protects consumers and investors from corporate abuses.

And then there are all the things the bill would not do. It would not increase vehicle fuel economy standards, which have been frozen since 1996. Raising CAFE standards is the single biggest step we can take to reduce oil consumption, since about half of the oil used in the U.S. goes into the gas tanks of our passenger vehicles. The bill does not give federal regulators the tools they need to prevent and punish the Enrons of the world who manipulate power markets. The bill does not suspend deliveries to the Strategic Petroleum Reserve and instead put the oil on the marketplace, which could bring gasoline prices down.

Most importantly, according to analyses conducted by the Department of Energy's Energy Information Administration, our need for imported oil will increase by 75 percent in twenty years under provisions in this bill.

Coloradans on average are already paying $2.25 for a gallon of regular gas. This bill will do nothing to bring those prices down.

Of the bill's total $8.1 billion in tax incentives, $7.5 billion (or 93 percent) is for traditional energy sources such as oil, natural gas, and nuclear power. The oil and gas industries are getting these massive subsidies from the taxpayer at the same time that their profits have never been higher.

I don't always agree with President Bush. But I think he is absolutely right about one thing—at $55 a barrel, we don't need incentives to oil and gas companies to explore.

Instead, we need a strategy to wean our nation from its dependence on foreign oil.

Colorado is uniquely positioned to take advantage of alternative energy opportunities, such as wind and sun. Voters approved Amendment 37 last year, which is making a difference in our energy supply. Colorado is leading the nation in this area.

Not only are we producing cleaner, cheaper energy, we are also providing economic development in rural Colorado in places like Sterling and Holyoke. In fact, I am going to be doing a Harvesting Energy Tour in Northeastern Colorado this weekend with former Colorado House Speaker Lola Spradley, representatives from the Colorado Farm Bureau and the Rocky Mountain Farmers Union and renewable energy companies to talk about how renewable energy can be an economic development boon for rural Colorado.

But we need federal incentives to help move renewable energy and energy efficiency technologies to the mainstream, and yet only 7 percent of the incentives in this bill would promote their development.

That's why—along with my colleague Representative ZACH WAMP, who co-chairs the Renewable Energy and Energy Efficiency Caucus with me—I offered amendments to the bill to make it more balanced. Our amendments would have extended the renewable energy production tax credit until 2008, would have extended the tax credit that individuals receive for purchasing hybrid vehicles, and would have increased and extended the business and residential solar tax credits. Unfortunately, the Republican leadership didn't allow them to be debated and voted on.

I also tried to improve the Resources Committee's energy bill provisions with an amendment dealing with oil shale language in the bill. The bill requires the Interior Department to set up a new leasing program for commercial development of oil shale, with final regulations to be in place by the end of next year. In other words, it calls for a crash program to meet a short, arbitrary deadline.

My amendment would not have barred oil shale development. Instead, it would have said that before we leap again, we should take a look and have a clear idea of where we are apt to land.

Colorado has the most significant amounts of oil shale—and also the most experience with oil shale fever. In Colorado, we have had several bouts of oil shale fever. The last one started during the 1970s energy crisis and ended abruptly on ''Black Sunday'' in 1982. That was when Exxon announced it was pulling out of the Colony shale project, an event that left an impact crater from the Western Slope to downtown Denver. That was followed by an exodus of other companies that had been working on oil shale—which led to an

exodus of jobs and of Coloradans who had nowhere else to turn.

Under my amendment, Interior would be told to prepare regulations for a new oil shale leasing program—and to get them finished ''promptly'' after finishing the analysis required by NEPA and the regular process for developing new federal regulations.

Unfortunately, the Republican leadership of the Resources Committee opposed my amendment, and so it was not adopted. The result is that this part of the bill is much uglier than it should be.

In conclusion, Mr. Chairman, we need a plan in place to increase our energy security. Thirteen percent of the twenty million barrels of oil we consume each day comes from the Persian Gulf. In fact, fully 30 percent of the world's oil supply comes from this same volatile and politically unstable region of the world. Yet with only 3 percent of the world's known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

This bill does nothing to tackle this fundamental problem. For every step it takes to move us away from our oil/carbon-based economy, it takes two in the opposite direction. I only wish my colleagues in the House could understand that a vision of a clean energy future is not radical science fiction but is instead based on science and technology that exists today. Given the magnitude of the crisis ahead, we can surely put more public investment behind new energy sources that will free us from our dependence on oil.

Two days ago, at the opening of the Abraham Lincoln Museum in Springfield, President Bush attempted to draw parallels between his goal of expanding freedom in the world and Lincoln's effort to expand freedom in the U.S. I have some questions about that comparison, but I do think it is good to consider Lincoln's example when we debate public policy.

In fact, I wish President Bush and the Republicans would draw a few more parallels to Lincoln in their approach to energy policy—because, as that greatest of Republican Presidents said, ''The dogmas of the quiet past are inadequate for the stormy present. Our present is piled high with difficulties. We must think anew and act anew—then we will save our country.''

And while we are not engaged in a civil war, our excessive dependence on fossil energy is a pressing matter of national security. We have an energy crisis. We need to think anew to devise a better energy policy in order to save our country from this energy crisis.

Unfortunately, too much of this bill reflects not just a failure but an absolute refusal to think anew. Provision after provision reflects a stubborn insistence on old ideas—more tax subsidies, more royalty giveaways, more restrictions on public participation, more limits on environmental reviews—and a hostility to the search for new approaches.

Maybe we could have afforded such a mistake in the past. But now the stakes are too high—because, as I said, energy policy isn't just an economic issue, it's a national security issue. America's dependence on imported oil poses a risk to our homeland security and economic wellbeing. And so, Mr. Chairman, I must vote against it.

Mr. HOLT. Mr. Chairman, I rise in opposition to the energy legislation that we are debating on the House floor today.

As an energy scientist who spent nearly a decade working at one of the nation's premiere alternative energy research labs I understand the complex and challenging nature of moving toward sustainable energy sources. Having served in this body for more than six years, I understand the difficulties in balancing competing interests to obtain a policy that benefits the nation. Unfortunately, rather than providing a productive and clear vision that leads this nation towards energy independence, this bill subsidizes oil and gas companies and eases environmental regulations and fails to put the U.S. on the right path.

This legislation sets a dangerous precedent by allowing the destruction of one of our national treasures to extract a minimal amount of resources. The very essence of the Arctic Refuge is that it is a pristine and untouched ecosystem. This unique environment serves as a critical breeding or migratory habitat for over 200 species of animals including polar and grizzly bears. Arctic wolves, and endangered species like the shaggy musk ox. This legislation completely ignores the precious nature of this land and instead provides yet one more opportunity for oil and gas companies to expand their operations. If this legislation is approved all Americans will lose something special and irreplaceable.

There are some good points in this bill. It does authorize increases in research on efficiency and renewable energy in future years. And I would like to thank my colleagues for accepting my amendment for a study of fuel savings from information technology for transportation.

But the good points of the bill are far outweighed by the bad. Instead of investing in cleaner, long term solutions, this bill brushes aside our nation's future energy needs in order to provide nearly 8 billion of taxpayer dollars to the oil, gas and other traditional energy industries to promote short-term, polluting energy sources. These tax incentives should not be going to industries that are thriving, but should be used to invest in our future by increasing research funding for alternative energy sources such as wind energy, fuel cells and fusion.

Everyone knows that we have a serious energy problem in this country. Our dependence on foreign oil affects not only our economy but also our national security. We will never drill our way to independence domestically. Yet we have an energy bill that is stuck in the past that yet again seeks to drill a little deeper, in a few more places.

We need a responsible and sustainable approach to addressing our nation's energy needs. On behalf of the residents of the 12th District, I pledge to continue to work toward the development of a balanced, comprehensive energy plan—one that finds environmentally friendly, sustainable ways to decrease our dependence on foreign oil and slow the degradation of our planet.

Mr. WELDON of Florida. Mr. Chairman, I rise today to speak in support of H.R. 6, the Energy Policy Act of 2005. It's a tremendous step in the right direction for this nation to achieve energy independence. Through a combined strategy of strong R&D, efficiency and incentives we can help ensure future generations of Americans a vibrant and growing economy while not having to worry about the whims of foreign influence on our energy.

The bill also authorizes $200 million for the ''Clean Cities'' program, which will provide grants to state and local governments to acquire alternative fueled vehicles. I have been working in Central Florida over the past several years to promote research into hydrogen-powered vehicles. I applaud the White House for taking such a proactive stance on new technologies. This bill promotes a cleaner environment by encouraging new innovations and the use of alternative power sources by launching a state-of-the-art program to enable hydrogen fuel cell cars to compete in the marketplace by 2020.

Under this bill, American consumers will have better product labeling for a number of commercial and household products so that they will be able to make more informed decisions when purchasing energy saving products. H.R. 6 further decreases America's dangerous dependence on foreign oil by expanding domestic production and authorizing expansion of the Strategic Petroleum Reserve's capacity to 1 billion barrels of oil.

America's energy consumption is at an all-time high and rising, despite ongoing efficiency gains, with consumption projected to grow as our economy expands. If our nation is to meet these needs in the coming decades, it will be in part due to continued advances in energy efficiency and conservation—helping to reduce our demand on foreign supply and stimulating economic growth. One goal is to save consumers and businesses' money spent on energy, so they can invest, spend and grow the economy and improve our standard of living. Expanding our energy production capacity is a key to long-term economic growth and energy independence.

H.R. 6 encourages the great American tradition of technological innovation and creative problem solving. It is America working at its best and this legislation is long overdue. I stand in strong support of this legislation and look forward to seeing it enacted into law.

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to H.R. 6, the Energy Policy Act of 2005.

For the third time in 5 years, the House Republican leadership has passed up an historic opportunity to craft an energy policy for the 21st Century. With oil prices hitting record levels and repeated predictions that the cost of a barrel of oil could hit over $100 in the coming years, we should be focusing our efforts on alleviating our nation's dependence on fossil fuels.

Instead, H.R. 6 is stuck in the past. Modeled after the energy plan developed by Vice President CHENEY's secret energy committee 4 years ago, H.R. 6 reflects the philosophy that the only solution to the high price of oil is more oil. However, analyses by the U.S. Department of Energy's Energy Information Administration indicate that even if the provisions of H.R. 6 becomes law, America's imports of foreign oil will still increase by as much as 85 percent during the next 20 years, thereby increasing our dependency.

H.R. 6 should have been an honest, bipartisan effort to halt America's growing dependence on fossil fuels for energy. It could have been focused on developing new technologies, improving energy efficiency, promoting renewable energy, and conducting the research and development that could produce the breakthroughs that would power the world of tomorrow.

I have no objection to supporting some new or additional oil and gas exploration or production because, until we develop the energy alternatives of the future, we must continue to

meet our oil and gas needs. Unfortunately, the majority of the bill's eight billion dollars in energy tax incentives are for oil and gas production. That's billions in tax breaks, paid for by our children and grandchildren, going to energy companies that have been earning record profits. Even President Bush admitted recently ". . . with $55 oil, we don't need incentives for oil and gas companies to explore." His fiscal year 2006 budget called for $6.7 billion in tax breaks for energy with 72 percent going toward renewable sources of energy and energy efficiency. In contrast, H.R. 6 only provides six percent of the tax benefits for renewable energy and energy efficiency.

In addition, H.R. 6 irresponsibly sacrifices environmental protection for petroleum production. Exposing our great natural treasures, especially the North Carolina coastline, to exploitation and possible degradation is not responsible. For example the bill shuts states out from the appeals process for offshore mineral development, thereby limiting coastal states' ability to protect their coastlines from unwanted energy development.

I am also dismayed that H.R. 6 continues to provide liability protection for methyl tertiary butyl ether (MTBE) manufacturers for past contamination of water supplies. So Republicans believe when somebody gets sick from MTBE, these companies should not be held accountable. That's just plain wrong. If it becomes law, the provision will force local governments to foot the bill for removing MTBE from water supplies. It was this single issue that scuttled the energy bill last year. Despite this, the Republican leadership's arrogance demands that this provision remain in the bill.

Gas prices in America continue to reach record heights. Natural gas prices have increased raising the cost not only of the gas itself but of derivative products like fertilizer. Gas prices and energy costs affect every American. This problem is particularly acute in farm country. Unfortunately, the Republican congressional leadership wasted an opportunity to develop a prudent energy policy that directly addresses these issues and instead developed a bill that serves as a tremendous handout to oil companies. As a result, I oppose H.R. 6.

Mr. KIND. Mr. Chairman, I rise in opposition to the Energy Policy Act. The bill before us today, full of the same objectionable policies, such as providing liability protections for MTBE makers and taxpayer-funded largesse for the big fossil fuels industries, reminds me of the proverb provided by Saint Bonaventure who said, "the higher the monkey climbs, the more you see of it's behind." Mr. Speaker, this ugly bill has repeatedly scaled the tree and the view hasn't improved any.

I believe the American people expect more from their elected representatives than to simply rehash an energy bill whose flaws have been exposed and it's economic and environmental price tags too high to pay. Yet, once again, the majority refused to work in a bipartisan fashion to craft a balanced and sensible energy bill that meets America's needs.

Every day, millions of American families struggle to keep up with soaring energy costs. Motorists see soaring prices at the pump. Farmers working to provide a secure future for their children watch as their operating margins are squeezed even further. And all too many low-income and elderly Americans are being forced to decide between adequately heating and cooling their homes or purchasing the food and medicines they need.

The American people understand that we face both a short and a long-term energy crisis and that we must develop a comprehensive and balanced plan for our Nation—a plan that finds 21st century solutions to deal with our 21st century energy needs. A bill that directs needed resources to renewable energy sources and efficiency programs. It is unfortunate that the best the majority believes we can do is pass a bill better suited to the start of the industrialization era.

The bill, inexplicably, provides little to promote renewable energy sources or reduce energy use. Instead, it funnels ever more tax benefits to energy companies already making huge profits from high energy prices. In fact, an April 19, 2005 wall street journal article relates the news that Exxon Mobile recently reported a fourth-quarter profit that amounted to the fattest quarterly take for publicly traded U.S. company ever: $8.4 billion. Of the $8 billion in tax incentives, less than $500 million would go to promote renewable energy sources or foster efficiency and conservation programs. After sticking it to the consumers at the pump, do big oil companies like Exxon really need taxpayer-provided "incentives"? President Bush doesn't think so. In a recent interview, President Bush said, "I will tell you; with $55 oil we don't need incentives to oil and gas companies. There are plenty of incentives." I agree.

The few bright-spots of the bill: like tripling the amount of gasoline sold that contains enthanol by 2012; promoting safe and clean nuclear energy; developing the liquified natural gas infrastructure needed in our country; ensuring electric reliability and easing transmission—all have been overshadowed by the bloated excess and taxpayer-funded subsidies for some of our nation's largest oil and gas companies.

Mr. Chairman, there are unfortunately many more very bad provisions for American taxpayers in H.R. 6, and title 20 in particular—much of which is premised on a 'drill at taxpayers' expense approach to the management of energy resources on public lands.

Perhaps the best example is the issue of drilling in the arctic national wildlife refuge. As my colleagues know, the arctic national wildlife refuge was set aside over 40 years ago by Republican President Dwight D. Eisenhower for the clear and express purpose of protecting its remarkable wilderness and wildlife values. I, like a majority of Americans, oppose developing one of our nation's last remaining pristine areas for a short term energy fix.

And there are other provisions that, standing alone, make this a bad bill: such as the "royalties in kind" provision; granting broad authority to the Secretary of the Department of the Interior for permitting alternative energy-related uses on the Outer Continental Shelf; and reimbursing oil and gas companies for doing the environmental impact studies that are required under law. I know there are a number of my colleagues who are anxious to speak on some of these provisions, so I welcome their comments and lend my support to their wise concerns.

One of the most egregious provisions of this bill is what is being called "royalty relief" for some of our Nation's largest oil companies. This provision waives federal royalty collections on huge amounts of publicly owned lands. Simply put, Title 20 will put billions of dollars of taxpayer money into the already deep pockets of big oil. The amendment offered by my friend from Arizona, Mr. GRIJALVA, would strike section 2005 and restore the collection of royalty payments to the Treasury for offshore oil and gas production on the Outer Continental Shelf—a measure I helped lead last year and one that I strongly urge my colleagues' support.

And buried deep in this bill, under the title named "miscellaneous" there is another provision that could have major consequences for communities struggling to clean up their dirty air. This provision allows cities and towns whose air pollution comes from hundreds of miles away to delay meeting national air quality standards until their offending neighbors clean up their own air. In considering the most significant change in the Clean Air Act in 15 years, I must note the irony that we are just days away from celebrating the 35th anniversary of Earth Day. Earth Day, begun by Wisconsin's own Senator Gaylord Nelson, provided the impetus to President Nixon signing the Clean Air Act.

In addition, the majority party has stuck in the bill a provision that would limit the ability of coastal states to challenge offshore oil and natural gas production. Apparently, the majority party in Congress no longer has much regard for the 10th amendment.

So that is the back-side of our monkey. I urge my colleagues to join me in opposing this energy bill that does little to lessen our dependence on fossil fuels—or the fossil fuels' industry dependence on taxpayer dollars.

Ms. WATERS. Mr. Chairman, I rise in opposition to H.R. 6, the Energy Policy act.

H.R. 6 is a continuation of the disastrous energy policy that the Republican Leadership has been trying to force through Congress for the past four years. They claim that their bill will reduce the cost of a gallon of gasoline—which now averages $2.24 per gallon—and that it will reduce our reliance on foreign oil.

Unfortunately, both of these claims are false. In fact, enactment of H.R. 6 is likely to result in higher prices at the pump for Americans. Even the Department of Energy estimates the price of a gallon of gasoline will increase by three cents if this bill is signed into law.

Mr. Chairman, HR 6 is a massive give-away to oil and gas companies. It provides $7.5 billion in tax breaks and billions more in royalty relief to companies like Exxon, Mobil, Chevron, Texaco and ConocoPhillips, which are already earning record profits, supposedly to encourage these companies to drill more on our public lands and produce more gasoline and oil. As the President noted the other day, with the price of oil at $55 per barrel, these companies do not need any more encouragement to produce gasoline and oil.

The bill also permits drilling in the Artic refuge thereby putting at risk one of the last pristine areas in the world, simply to gain less than six months' worth of oil. Opening ANWR does not make economic or environmental sense and we should not allow it to happen. Instead, we should be increasing the corporate average fuel economy (CAFE) standards for cars and trucks sold in the United States to a more reasonable level. Taking this step would save millions more gallons of gasoline than would be recovered from ANWR, and raising these standards would help improve the quality of air that we breathe.

This bill also weakens our nation's environmental laws including the Clean Air Act.

Mr. Chairman, Los Angeles is consistently ranked among the worst cities in America when it comes to air pollution and smog. Yet, if Congress allows this bill to pass, the Clean Air Act will be severely weakened and thousands of my constituents will see their health suffer because of the increased pollution and smog. We should be supporting a bill that strengthens the Clean Air Act, not weakening it.

Mr. Chairman, I am also very disappointed in the fact that this bill does nothing to address the massive defrauding of Californian consumers at the hands of Enron and other energy companies during the energy crisis of 2000 and 2001.

During that time, energy companies intentionally took generators off line, made false submissions about the prices they bought and sold gas for, and fabricated transactions, all with the intention to make as much money as possible.

Unfortunately, for thousands of Californians, the energy companies succeeded in their efforts. In the summer of 2000, energy companies overcharged California $2.5 billion. In 2001, California paid approximately $26 billion for electricity because of the unscrupulous trading practices of the energy companies, raising the rates of every California ratepayer.

Mr. Chairman, the Federal Energy Regulatory Commission has already ruled that the prices the energy companies charged California were not 'just and reasonable' as required by law. Yet the companies have not had to pay any penalty for their criminal actions. This bill does nothing to change that, but it should.

Mr. Chairman, the American people need us to enact legislation that will actually reduce the cost of gasoline and reduce our dependence on foreign oil. They want us to support a bill that makes real investments in renewable energy and energy conservation. I urge my colleagues to reject this special-interest legislation that puts big business before American consumers.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to oppose this flawed, shortsighted energy bill, which does not give us a national energy policy, and provides more than $22 billion in taxpayer dollars to the private industry. I'm not sure what era the authors of this bill think we're living in, but this bill does not reflect our present or future energy needs in the 21st Century.

High gas prices are on the minds of many Americans right now, and this bill does nothing to change that. The Energy Information Administration has said that this will actually increase gas prices by three cents and will have almost no effect on production, consumption, or prices. I suspect my constituents in New Mexico who are paying $2.32 a gallon will be concerned about that. But this is only one of the several reasons why I oppose this legislation.

One of my great concerns is the provision that allows drilling in the Arctic National Wildlife Refuge, ANWR. I have been to Alaska and I've seen the tremendously diverse wildlife that will be hurt if drilling occurs in the area. In addition, there are native tribes who depend on this wildlife, and they have asked Congress and the state of Alaska to stand up for them and oppose drilling. The environmental costs of this provision are sky-high, and benefits are little to none—six month's supply of oil. Opening ANWR would have no effect on our dependence on foreign oil. It is simply not worth it.

How can the Majority call this bill ''comprehensive'' when it does nothing to address fuel efficiency in our vehicles? China will produce cars and trucks that are more energy-efficient than the U.S. fleet as soon as 2008. That is why I strongly supported the amendment offered by Rep. MARKEY of Massachusetts to raise the average of 25 miles per gallon to 33 miles per gallon over the next ten years. Raising fuel economy standards would reap SUV, pickup truck, and minivan owners a net savings of up to two thousand dollars in some cases. It would also alleviate the need for the U.S. to send over $25 million abroad each hour to pay for foreign oil. This amendment would have truly benefited our national security, our economy, and consumers.

I think my constituents will also be interested in the provision in this bill shielding lawsuits against oil companies who used methyl tertiary-butyl ether, MTBE, which has contaminated 1,861 water systems serving 45 million Americans in 29 states, including New Mexico. Documents from recent court cases reveal that the industry knew MTBE could cause severe harm to groundwater supplies as early as the mid 1980s. Internal Exxon memos from 1985 show the company knew MTBE pollutes groundwater more easily and is more difficult to treat than other gas additives. I find it incredibly disturbing that some members of this body place the pockets of oil companies ahead of the constituents in their districts whose lives have been adversely affected by this negligence.

Another grave concern that I have is section 631, which is a $30 million dollar giveaway to a dangerous uranium mining technology that could seriously harm the water and health of 12,000 Navajo Indians. The proposed in-situ leach mining would leach uranium from an aquifer that is the sole source of drinking water for thousands of people in northwestern New Mexico, thereby threatening their health and the integrity of their communities. The proposed mining would leave high levels of uranium in the drinking water supply, which is a slap in the face of Navajo communities that are still struggling to get compensation for the diseases they are suffering from uranium mining conducted near them during the Cold War. This is also unsound fiscal policy for an unproven type of mining. I offered an amendment to strike this section of the bill. Unfortunately, it was defeated by a vote of 225–204. I have been told that these subsidies will not be included in the Senate bill. I hope that remains true, and I look forward to working with my colleagues to ensure that this provision is stripped from the bill in conference.

I brought two other amendments to the Rules Committee that were unfortunately not allowed a vote in the full House. One would create a federal Renewable Portfolio Standard, so that by the year 2022 electric utilities, excluding rural electric cooperatives, would generate 15 percent of their energy from renewable energy sources, and 20 percent by the year 2027. This bipartisan amendment was cosponsored by Rep. MARK UDALL of Colorado, Rep. LEACH of Iowa, and Rep. PLATTS of Pennsylvania. Right now, the U.S. relies on foreign oil to meet roughly 60 percent of our oil needs. This inevitably leaves us dependent on unfriendly nations and harms our national security. We consume a quarter of the world's oil, yet we only control two percent of its supply. It is high time we invest in renewable energy technologies and develop practical solutions to encourage renewable energy production. It is my hope that the Senate will move forward with a more progressive renewable energy policy in its version of the Energy bill.

My last amendment, which I cosponsored along with Rep. DINGELL of Michigan and Rep. BOEHLERT of New York, was designed to fix unnecessary inequities in the hydropower dam relicensing process proposed in H.R. 6, while still ensuring that the relicensing process proceeds quickly. This amendment applies all new rights given to a license applicant to any other party. All stakeholders—States, Tribes, private landowners, local businesses, fishermen, irrigators, conservationists, water sports enthusiasts, and other concerned citizens—would be given the chance to participate in decisions that affect the health of American rivers. I believe it is only fair to include these stakeholders in the appeals process, and I was disappointed that this amendment was not allowed a vote on the floor.

Why does the Majority insist on passing a bill full of tax incentives and subsidies for the oil and gas industry at a time of record profits for those companies? Even President Bush said last week, ''I will tell you with $55 oil we don't need incentives to oil and gas companies to explore.'' The massive royalty tax breaks for energy companies are ill conceived. This bill is anti-taxpayer, anti-environmental, and anti-consumer.

We need a comprehensive energy policy that encourages safe domestic energy production, that will not drastically harm the environment and cause potential harm to thousands, and that does not contain billions of dollars in giveaways to big oil and gas companies. We need a real energy strategy that will help consumers, decrease our dangerous dependence on foreign oil, and keep us competitive internationally. I ask my colleagues to join me in voting against this flawed bill, and I hope we can work toward a more comprehensive energy bill in the future.

Mr. VAN HOLLEN. Mr. Chairman, as Yogi Berra used to say ''it's déjà vu all over again.'' I never would have imagined: During a time of war in the Middle East, heading into the summer smog season in cities like Washington, DC, with prices at the pump hitting $2.50 a gallon, we are here today telling our constituents that the wisest course of action—the best America can do with its energy policy—is ''more of the same''.

Nonsense. We have choices. We always have choices. What we apparently don't have—yet—is the leadership to make them.

Take national security. Rather than heeding the clarion call of former CIA Director Woolsey, former National Security Advisor McFarlane and others to reduce our use of foreign oil by launching ''a major new initiative to curtail U.S. consumption through improved efficiency and the rapid development of . . . petroleum fuel alternatives,'' this legislation actually increases our reliance on foreign oil, according to the independent Energy Information Agency (EIA).

What about economic growth? We've lost over 2.8 million manufacturing jobs since 2001—and no matter how hard today's proponents try to spin it—this bill isn't going to

bring them back. To the contrary, by doling out additional tax breaks to already highly profitable oil companies, this legislation represents a monumental missed opportunity to target critical federal investments towards the rapidly expanding green industries of the 21st century. We should be the world leader in renewable energy and hybrid technologies—not playing catch up to the Danes, Germans and Japanese. In that regard, I regret that an amendment I offered with Reps. INSLEE (D–WA) and HOLT (D–NJ) to achieve this goal was blocked by the Rules Committee and will not be permitted a floor vote today.

Finally, no serious discussion about formulating a comprehensive national energy policy can take place without reference to the environmental impacts of our nation's energy consumption. However, rather than having that discussion, this bill instead goes the other direction by deliberately chipping away at the Clean Water, Clean Air and National Environmental Policy Acts. It once again proposes to despoil the ANWR while ignoring the potential for far greater fuel gains through a long overdue increase in CAFÉ standards. And it brazenly extends a special interest liability waiver to MTBE manufacturers whose product is polluting groundwater in many of our districts—leaving taxpayers to pick up the tab. In my home state of Maryland, important statewide energy efficiency standards and local LNG siting perogatives are preempted. And throughout the entire 1019 pages of this legislation, you will not find a single reference to climate change—despite a bipartisan effort I joined to attach language which would have taken the modest step of establishing a national greenhouse gas registry. That amendment, which twice received unanimous support in the Senate, was similarly quashed by the Rules Committee.

Mr. Chairman, America needs an energy policy that strengthens our national security, promotes long term economic growth and protects the environment. This is not that policy. I ask my colleagues to oppose this bill.

Mr. HOLDEN. Mr. Chairman, coal is by far the largest domestic source of energy we produce. Here in the United States, we have between 250 and 300 years of a coal supply. That is more than the amount of recoverable oil contained in the entire world.

I am proud to represent the anthracite coal fields of Pennsylvania, which have the largest anthracite coal deposit in North America, arguably the largest deposit in the world. It is a high-Btu, low-sulfur fuel, and is considered the cleanest-burning solid fuel on the commercial market today.

But as we can see through rising fuel prices, we are too dependent upon foreign oil. In the United States, we consume about 20.5 million barrels of oil per day. That's about 7.5 billion barrels per year. Half of that is imported. And almost half of American oil consumption is for motor vehicles.

One of our priorities should be to reduce our dependence on foreign oil. We should be increasing research and development into our fossil fuel program. With continued research of coal, the potential of the United States becoming energy self-sufficient in an environmentally friendly manner is enhanced.

For over 15 years, through the clean coal programs of the Department of Energy, the Federal Government has been a solid partner, working jointly with private companies and the states to develop and demonstrate a new generation of environmentally clean technology using coal.

One benefit of the clean coal programs takes advantage of a decades' old technology of converting coal and waste coal into clean diesel fuel. In Pennsylvania alone, there is an excess of 200–300 million tons of waste coal that has accumulated over the years. A company in Gilberton, Pennsylvania, in my district, is ready to do convert this waste coal to diesel fuel and electricity on a large scale. The plant has received support from DOE's Clean Coal Power Initiative.

Coal research and development provides huge benefits for the nation, and pay for itself many times over through taxes flowing back to the Treasury from expanded economic activity.

The clean coal programs are important for several reasons. They: Clean up the environment by burning waste coal; reduce emissions of nitrogen oxides and air toxics; develop cleaner, more efficient power systems; sponsor promising technologies that are too risky for private industry to undertake alone; provide a model for future government-industry technology partnerships; and provide tremendous job opportunities in this country, not in the Middle East.

In 2002, President Bush said, ''We will promote clean coal technology.'' The President recently outlined four important objectives that need to be included in this energy bill. These objectives are all met by clean coal programs: Encourage the use of technology to improve conservation; encourage more production at home in environmentally sensitive ways; diversify our energy supply by developing alternative sources of energy and create more energy choices; and help us find better, more reliable ways to deliver energy to consumers.

We need to take advantage of our own natural resources. I encourage my colleagues to continue to support clean coal programs.

Ms. DELAURO. Mr. Chairman, I rise in opposition to this legislation—an $88 billion giveaway to the oil and gas industry that does nothing to alleviate the record high costs of oil and gas.

At a time when science and common sense tells us we should be doing more research into alternative energy and less drilling in our precious public lands, this bill provides $8 billion in tax breaks for companies to do more drilling and less research into alternative energy. In an $88 billion bill, less than $500 million is dedicated to any kind of renewable energy research.

The legislation promotes drilling in the last vestiges of the great American frontier—places like Alaska's Arctic Refuge and the Rocky Mountain Front—ruining forever these examples of nature's magnificence all for what amounts to 5 percent of a one year's supply of oil. At the same time, it authorizes $80 billion in new spending to assist the big oil companies—one reason conservatIve organizations such as Taxpayers for Common Sense and Citizens Against Government Waste oppose this bill. Just yesterday, the president expressed similar concerns as well. Another provision gives legal protection to producers of MTBE—a substance if consumed can cause a variety of health problems.

I would like to also express my concern about two very important sections of this bill. Section 330 limits the ability of state governments to oversee the permitting process of pipeline construction projects or construction of LNG facilities, placing that responsibility solely within the FERC, with states relegated to a consultative role. This would eviscerate my state government's ability to regulate proposed projects in the Long Island Sound, despite the state's undisputed leadership in the clean-up of the Sound. To say we do not trust Connecticut to act in the best interests of one of its most prized natural resources is bad public policy and I hope that an amendment offered by Mr. CASTLE to strike this section will be adopted.

Rather, we should be reducing our dependence on foreign oil by improving our energy efficiency and maximizing our domestic energy production in an environmentally-sound way—by investing in cleaner, more secure energy sources such as solar, wind, biomass and fuel cell technology. My State of Connecticut is a leader in fuel cell technology, with several businesses doing research that is on the cusp of revolutionizing the way our nation powers its homes, cars and businesses. This bill should be investing in American small businesses like Proton Energy in Wallingford, Nxegen in Middletown and Danbury's Fuel Cell Energy—companies that already do over $300 million worth of fuel cell business and move us closer to true energy independence.

That is the future of energy in this country, and that is what this bill should be encouraging. By pressing for 20th Century solutions to deal with 21st Century energy challenges, this majority continues us down the road of ever-rising gas prices, harming our economy and leaving middle-class families to bear the brunt of the cost. And that is no plan, Mr. Chairman—it is an abdication of our responsibilities. Oppose this bill.

Mr. CANTOR. Mr. Chairman, the comprehensive energy package that we pass today is a major step forward in our ability to provide certainty in the United States' energy sector. This legislation is the result of hundreds of hours of work developing a plan that will reduce our dependence on foreign oil, improve our economy, and create jobs.

This legislation improves our nation's electricity transmission and reliability. It provides for safer, stable and more reliable energy sources within our own country, making us less reliant on oil from the Middle East.

Clean coal technology and incentives for renewable energies are a key part to the future of energy production and consumption in this country. Domestic oil and gas exploration will make us less susceptible to the rising prices of foreign energy sources.

And let us not forget that this bill does something for American families. As gas prices climb, it becomes more and more expensive to take our children to sports games, visit out-of-town family, and even drive. to work. We need relief from high gas prices and this legislation is a step in that direction.

Mr. CUMMINGS. Mr. Chairman, while Vice President CHENEY still refuses to release the records of his Energy Task Force, it is obvious from the bill under consideration today who participated in the task force and who shaped the Energy Policy Act before us. For the uninitiated, let me tell you, it was the big oil, coal, natural gas, and nuclear energy companies and concerns who shaped this legislation.

According to the Congressional Research Service, U.S. energy consumption has almost tripled between 1950 and now. The U.S. has

3 percent of the world's oil reserves—but now uses 25 percent of the oil produced in the world. In 2003, our nation used approximately 20 billion barrels of petroleum per day—while producing just under 6 billion barrels of crude oil.

How much has our energy use increased? Our petroleum usage in 2003 was almost 3 times higher than it was in 1950. Our consumption of natural gas in 2003 was almost 4 times greater than in 1950. Our consumption of coal in 2003 was double the amount we used in 1950.

In fact, today, in 2005, 86 percent of the energy we consume is still generated through the use of non-renewable fossil fuels.

America's energy policy at this critical time should pioneer the use of renewable fuels and move our nation away from dependence on fossil fuels. At a minimum, national energy legislation should reduce our dependence on foreign oil

However, the U.S. Energy Information Administration has concluded that the legislation before us today will not support the development and wide usage of renewable fuels or even reduce our reliance on foreign oil. In fact, the Energy Information Administration concludes that the bill will reduce oil imports by just over 1 percent by 2025—20 years from now.

While not taking any responsible steps to lay the foundation for a new energy policy in America, the bill before us does provide $8 billion in tax breaks for the energy industry. In keeping with the basic irresponsibility of this legislation, less than 10 percent of these tax breaks will go to the renewable fuel industry.

H.R. 6 would also allow drilling in the Arctic National Wildlife Preserve despite the fact that the U.S. Geological Survey has estimated that there is less than a year's supply of oil in the Preserve.

Only 15 percent of Federal land in the Rocky Mountain states is currently off-limit to oil drilling. A total of 42 million acres of federally held land are currently leased to oil and gas companies. There is no reason to expand drilling to include Alaska's Wildlife Preserve.

Similarly, H.R. 6 would provide $2 billion to support research on recovering oil and gas resources from the deep waters in the Gulf of Mexico—despite the fact that oil companies are generating record profits.

H.R. 6 would also limit the liability of MTBE manufacturers for pollution to drinking water supplies despite the fact that the use of MTBE was not mandated and that there was evidence even before it was widely used that it could be harmful to drinking water supplies. The costs of cleaning up MTBE pollution will be in the billions of dollars—far more than many local jurisdictions can afford to pay from their own resources.

While the groups who met with Vice President CHENEY were clearly focused on maintaining the status quo in America's energy policy, there are in fact many things that can be done to decrease our dependence on fossil fuels and particularly to decrease our dependence on foreign oil.

We can support increased energy conservation. We can revamp—not repeal—the Public Utility Holding Company Act. We can implement policies to reduce the ability of energy traders to manipulate markets and rates.

Further, we can increase spending on the development of bioenergy and other renewable fuels. For example, the 2002 Farm Bill authorized $150 million in spending in fiscal 2006 to support bioenergy initiatives. However, the President's short-sighted fiscal 2006 budget proposes to limit expenditures on these initiatives to just $60 million.

Such reductions in spending on bioenergy—especially given the provisions of the H.R. 6—are misguided.

H.R. 6 does not provide the new energy policy we so desperately need. I urge a no vote on this legislation.

Mr. HIGGINS. Mr. Chairman, I rise today in objection to H.R. 6, the Energy bill under consideration by the full House of Representatives this week. Sadly, the energy bill does little to reduce our nation's dependence on foreign oil, decrease rising oil and gas prices, increase our national security, protect our environment, or encourage investment in renewable energy sources.

In fact, Mr. Chairman, of the $8 billion in tax breaks in this bill, only about 6 percent goes toward energy efficiency and renewable sources of energy, and the rest goes to the already booming oil and natural gas industry that already receives more than generous incentives. And we're not getting anything back from this disproportionate investment. The Administration's own Energy Information Administration acknowledges that with this bill, ''changes to production, consumption, imports, and prices are negligible.'' They even find that gasoline prices under this legislation would increase by between three and eight cents per gallon.

Clearly, this measure is a short sighted political move aimed at winning friends and contributors instead of what it should be—a long term plan to ease the energy burden on consumers and make the United States safer and energy independent—and that's a shame.

As a member of the Committee on Government Reform's Subcommittee on Energy and Natural Resources, I know all too well how energy needs shape our foreign policy and our national security agenda. Our desperate need for oil pits us against China and India. It forces us into a position of funding governments and world leaders who funnel our payments to groups that are currently planning to do us harm. And our need for oil from foreign markets forces our brave Armed Service men and women into harm's way to protect our vital interests.

But oil need not be the lead driver in our national security policy. We have resources at home like water, wind and sun that, with research and investment, can produce cleaner energy sources and cheaper alternatives, can reduce our dependence on foreign oil, and can create jobs and spur spending here at home. Just outside my district, with the water heaving over the Niagara Falls, we convert water into electricity every day. It's a shame this bill doesn't address similar options around the country.

All too often I hear from my constituents in Western New York that too many low-income families, disabled individuals and senior citizens are not able to afford their energy costs. My district is particularly hard hit with extreme cold temperatures, which cause more families to face unaffordable heating costs and put families and seniors at a higher risk of life-threatening illness or death if their homes are too cold in the winter or too hot in the summer. I will vote against the energy bill on the floor because this legislation ignores my constituents' needs and adds to their troubles through higher prices, an increased tax burden, more pollution, and less national security. I urge my colleagues to do the same.

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to this legislation and in support of the Markey/Johnson amendment to protect the Arctic National Wildlife Refuge.

I am pleased to be an original cosponsor of the Udall-Eisenhower Arctic Wilderness Act and am diametrically opposed to drilling in the refuge. I say this as an unabashed advocate for protecting the environment.

As Rep. MARKEY recently stated, ''We must draw the line against drilling in our few remaining pristine habitats set aside specifically for preserving wildlife for future generations. If we allow drilling in the Arctic National Wildlife Refuge, there will be no place in America so special that it cannot be opened up for commercial exploitation.''

Unfortunately, the environmental ethic holds no value with this White House or a majority of my colleagues in this chamber.

They simply don't care.

So let me try another tract. It's one that I fear is too real a scenario and one this energy bill falls seriously short of addressing.

Today, this year, this decade, it really doesn't matter, but someday and someday soon we will cross the point where world demand for oil will outpace available supply. The disagreement isn't about if it will occur, it's when.

And, when it does occur it will be a time of reckoning. We will have to reorient our oil-dependent economy into something less consumptive of oil. If the shortfall in supply takes on crisis type dimensions, the transition will be much more disruptive economically and socially.

The one reserve we possess to ease this transition, buy us time and mitigate a crisis, is the untapped reserve thought to exist under the National Arctic Wildlife Refuge.

I would hate to see this reserve extracted under any circumstance, but if one day it must, let it be for better reasons than those presented today.

I doubt there will ever be sufficient safeguards to guarantee this Serengeti of the Arctic can be protected once drilling starts, but if there is credence to the argument that the technology and safeguards used today are better than yesterday's, then tomorrow's will still be more advanced than today's improvements.

Let's not drill now, squander our last reserve of oil and gain nothing in improved economic security.

Unless this bill places our Nation on a path toward lower levels of oil consumption, greater use of alternative fuels, greater levels of fuel efficiency and conservation, why should we advance the calendar on the day of reckoning?

Why should we consume next year's seed corn, when we haven't experimented with alternative diets or eating less?

Support the Markey/Johnson amendment; oppose drilling in the refuge.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Boehlert/Markey CAFE standard amendment.

When it comes to cheap energy and low gasoline prices, we have lived on borrowed time.

As a whole our energy policies promote profligate consumption. The more you buy and consume the cheaper the unit price.

The bill before us does little to wean our nation from its dependence on foreign and unstable sources of energy. According to DOE, this nation consumes 24 percent of the world's energy while comprising less than 7 percent of the world's population.

Today, the world is racing to develop and catching up with our consumptive habits and standard of living. It's a race that cannot succeed and is unsustainable over the long term.

I deeply regret that a majority in this Congress for years blocked the Department of Transportation from raising the Corporate Average Fuel Efficiency Standard for automobiles and trucks

Then, when the White House changed hands in 2001, and perhaps confident that no real action to raise standards would occur, the restriction was no longer included as a rider in the appropriations bills.

This short sighted policy has placed us squarely in the situation we are in today.

Had the current president's father adopted tougher CAFE standards, put us on a gradual path to 27 miles per gallon for light trucks and 34 gallons for cars, we would have displaced all oil we import from OPEC today.

Of course we would still be importing oil from the Persian Gulf, but our economy and our transportation sector and today's auto manufacturers would not be reeling from the consequences of $50 barrels of oil and $2.35 per gallon of gasoline.

Mr. Chairman, for the sake of the future of our country and our long term economic prosperity we need to wean ourselves from our dependency on oil.

Nothing is likely to have a greater impact in accomplishing this goal than making our transportation sector more fuel efficient.

I urge my colleagues to support the Boehlert-Markey amendment.

Mr. MORAN of Virginia. Mr. Chairman, I rise in vehement opposition to this legislation.

Two years have passed since the last time we debated a comprehensive energy bill on the House floor, but the majority appears to have learned nothing since that time.

What we are considering today is practically the same, identical bill from last Congress. It even has the same bill number (H.R. 6) as last time, as if it were photocopied with complete indifference to the disturbing news and international developments that have come to pass in recent years.

Mr. Chairman, why is oil more than $50 a barrel and gasoline prices averaging $2.28 per gallon?

The simple answer, demand is up and supply is limited.

A more thorough investigation leaves one very troubled with the direction we are headed. While demand from the U.S. and other industrialized nations is growing on average 1.2 percent, the situation in developing nations has radically altered. Demand for oil in these countries is now growing at an average of 2.7 percent annually. On its face that may not sound like a lot but it is not sustainable and is largely the cause behind the higher prices we're encountering today.

In China, demand for oil is growing at almost an exponential rate. India isn't far behind either. Combined, these countries represent 35 percent of the world's population.

Another sign of concern is that Indonesia, a member of OPEC, became a net importer of oil in 2004.

These recent increases in worldwide oil demand are not a one-time phenomenon; there're here to stay and will continue to squeeze markets and push oil prices ever higher.

The Department of Energy, on its own Web site, even suggests that crude oil prices will continue to cost over $50 per barrel. (Though they are silent on any long-term forecast.)

Mr. Chairman, we are an oil-based economy. While coal, uranium and some renewable sources such as wind comprise a majority of the fuel used to generate electricity, most of our economy is dependent or exclusively reliant on oil, from fertilizers for agriculture, plastics for manufacturing to gasoline and diesel for transportation.

Unfortunately, H.R. 6 does very little to prepare us for the day when this insatiable demand for oil outpaces world supplies.

When that day comes, the prospect of $80 barrels of oil and $4.50 a gallon of gasoline are not unrealistic. Some pessimistic forecasts even predict $200 barrels and $10 a gallon of gasoline.

Many experts believe that most of the world's proven reserves have been found and that supplies will decline an average of 3 to 6 percent a year once the oil peak has been crossed.

The oil shock caused by the Arab oil embargo of 1973–74 cut supplies temporarily by 5 percent.

The social and economic disruptions caused by this temporary disruption in supply were felt for more than a decade. Gas prices shot up 400 percent, inflation ran rampant and was fought with double digit interest rates and unemployment climbed over 10 percent.

Are we prepared or are we preparing ourselves for some permanent downward decline in supply?

Does this bill prepare us for this eventuality?

I think the answer is that it clearly does not.

Why are we rushing to exploit pristine wilderness areas like the Arctic National Wildlife Refuge and bestowing more tax incentives on some of America's most profitable companies and individuals to tap our last domestic sources of domestic oil and gas when these sources won't even make a dent in our oil and gas needs?

Where are the incentives and subsidies to wean us from our dependency on foreign oil?

Where are the incentives and subsidies to retool industry to alternative fuels and greater efficiency?

One part of our solution to the looming energy crisis is to require automobiles to be more fuel efficient. Had we improved efficiency through higher CAFE standards 27 miles for light trucks and 33 for cars back in the early 1990s, we could have displaced all the oil we imported from OPEC today. This bill is shamefully silent on that issue.

We have been shortsighted in our energy policies, preferring to influence short-term prices, keeping them artificially low while ignoring the long-term consequences of programs and policies that promote greater consumption and profligate waste.

When oil supplies begin their decline and prices spiral higher, our profligate waste may be our one silver bullet to respond.

There are incredible opportunities to make industry, office buildings, homes and vehicles more fuel efficient.

We cannot sustain a situation where 6.7 percent of the world's population continues to consume 24 percent of the world's energy. (Energy Information Administration 2002 figures: 405 quadrillion Btus world—98 quadrillion Btus U.S.)

Mr. Chairman, this bill is deficient and heads our country in the wrong direction. It rushes us closer to the day shortages occur and sets us backward on our ability to address it.

I urge my colleagues to reject this bill.

Mrs. BONO. Mr. Chairman, I first want to thank Chairman BARTON for putting so much time and effort into this legislation. It is due to his leadership and commitment to establishing a better national energy policy that we are here today.

H.R. 6 takes many important steps. I am especially pleased at its focus on renewable energy and I thank Chairman BARTON for including my Renewable Energy Production Incentive (REPI) legislation in the bill. In addition to REPI, H.R. 6 also helps homeowners across the nation through its weatherization assistance program and makes an important commitment to hydrogen fuel research, including my public transit provision, to spur the development of hydrogen vehicles and infrastructure. Teaming together with private enterprise, we can become less dependent on using fossil fuels for our homes and our cars.

But while we work towards achieving freedom from oil and those nations who produce it, the reality is we still need this resource. To address that need and its impact on our economy, this legislation also helps expand domestic exploration. We can take important steps in not only creating a greater sense of independence and lowering the costs at the pump, but also help our own economy and the small, independent producers who are struggling today. We cannot and should not allow our very own producers to be overlooked when resources are limited and the price of gas is rising.

My home state of California has seen its share of energy problems. It is critical for our nation to have a national strategy on energy so we can clear many of these hurdles looming in our future. This bill takes our country in the right direction.

Again, I wish to thank Chairman BARTON for his diligence and effort on this legislation.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of the Boehlert-Markey amendment to raise fuel economy standards for automobiles and I thank the gentlemen offering this amendment for yielding me time.

Mr. Chairman, we have heard it repeated over and over during debate on this bill from members on both sides of the aisle—we must reduce our dependence on foreign sources of oil, and we must stabilize our energy costs. Yet H.R. 6 does none of these things!

That is why I strongly support this amendment to raise the average of 25 miles per gallon to 33 miles per gallon over the next ten years. Increasing the fuel economy is one important step we can take towards making all this rhetoric a reality. This amendment truly does benefit our national security, our economy, and consumers.

Raising fuel economy standards would reap SUV, pickup truck, and minivan owners a net savings of up to two thousand dollars in some cases. It would also alleviate the need for the U.S. to send over $25 million abroad each

hour to pay for foreign oil. These payments increase the trade imbalance, reduce the strength of the dollar, drive up-the cost of other imported goods, and stunts the growth of the nation's GDP.

In addition, many of the world's major automakers recently signed an agreement with the government of Canada that commits them to improving fuel economy standards by 25 percent by 2010. China will soon produce cars and trucks that are more energy-efficient than the U.S. fleet. Considering that the U.S. consumes a quarter of the world's oil, we must keep pace with these other countries and improve our fuel economy standards.

This amendment matches the rhetoric by truly reducing our dependence on foreign oil, helping our economy, and benefiting consumers. I urge my colleagues to support this amendment.

Mr. RYUN of Kansas. Mr. Chairman, the energy policy before us is comprehensive and timely. It bolsters the economy while preserving the environment, recognizing that one need not be sacrificed for the other. In addressing both present and future concerns, this plan provides real improvements to our energy policy with the goal of reducing our dependence on foreign oil.

This bill looks inward by expanding our refinery capacities and tapping into our domestic resources in an environmentally safe way. This will help provide relief for rising gas prices and begin to safeguard us against the whims of OPEC.

Beyond traditional energy, this plan promotes the development of renewable fuels. By approving this bill, we will do much for the development and expansion of alternative fuels. For example, the increased use of Ethanol will not only reduce our dependence on foreign oil but will also benefit our economy and environment. Farmers in Kansas and across the country stand ready to help with this effort.

We have gone without a national energy plan for far too long. We must act now and finally pass this forward-looking energy plan into law.

Mr. BLUMENAUER. Mr. Chairman, it is commonly heard that the world changed after September 11, 2001; yet the energy bill did not.

What Congress is considering this week is virtually identical to that which came forth from DICK CHENEY's energy task force and the Congressional process four years ago. The ever growing concerns about energy reliability, the Enron scandal, skyrocketing gas prices, increasing demands on ever scarce supplies in unstable areas of the world all have not produced a change in the mindset of Congress. At a time when we should call forth our best, the energy bill is both a mediocre effort and more appropriate for the 1950s than this new century.

With the American energy experience over the last third of a century, public opinion has grown clearer while Congress' vision has not.

With 10 percent of our energy use tied directly to our vehicular traffic, it is selfevident to the majority of Americans that our fuel efficiency standards should be significantly increased. The Japanese and Europeans are already far ahead of us. Even the Chinese have now adopted more stringent fuel efficiency standards. Congress cannot keep up with the American public or the policymakers in China, Japan or Europe.

The public knows that the Arctic National Wildlife Refuge is the last place that America should look for oil, not the next place.

The public supports investing in renewable energy sources, but this bill is heavily skewed towards more public subsidy of oil and gas interests, already awash in cash. These companies have ample money available to exploit energy resources in this country if they wish. Alternative energy sources are shortchanged in this bill. It has been estimated that they get one dollar for every $363 invested in other sources. Wind and solar energy are abundant, and non-polluting; with a fraction of the resources lavished on traditional energy sources, alternative energy could increase the production and reduce cost.

The public is not interested in cutting deals with special-interests at the expense of the environment and public health. This bill poses significant risk to air pollution and makes an unnecessary and unwise compromise with MTBE manufacturers at the expense of state and local authorities and the quality of local drinking water.

I am opposed to a provision in the bill that shortchanges public participation in the hydropower relicensing process. By denying rights to private landowners, farmers, local businesses, tribes, fishermen, conservationists and others who share a direct interest in dam operations, the bill would make it less likely that license applicants would agree to an outcome that allows for energy generation as well as protection of the river ecosystem. In Oregon, PacifiCorp is in the process of relicensing a number of dams on the Klamath River. The company has been involved in an open and cooperative process with stakeholders, and I am concerned that the language in the bill would both undermine that progress as well as reduce incentives for other companies to engage in this type of open process.

I am disappointed that Congress defeated a number of Democratic amendments that would have boosted fuel efficiency, removed language allowing drilling the Arctic National Wildlife Refuge, kept in place important consumer protections, and reduced our dependence on foreign oil. I am pleased that one small, but important, step was taken by the acceptance of my amendment to establish a Conserve by Bike program. This amendment authorizes pilot programs and a national study that will help us better understand the benefits of converting trips from cars to bikes and how to educate people about these benefits

In short, this bill looks at our energy problem through a rearview mirror; it gives too much to the wrong people to do the wrong thing and is dramatically out of step with what the American public needs and wants. One can only hope that as it works its way through the Senate, and as the public discovers what's in this bill, that some of the more unfortunate provisions will be eliminated or modified.

There will come a time in the foreseeable future when the needs of our country and the wishes of the public are heard and that will be reflected in an energy policy for this century that is cost effective and rational.

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to H.R. 6.

The people of our nation need an energy policy. We need to pass an energy policy that actually brings down record high gas prices, protects our environment, and truly reduces our dependence on foreign oil by encouraging energy efficiency and the use of renewable sources of energy.

Instead, at a time of record gas prices, this special-interest, anti-consumer energy bill would actually increase gas prices. The national average price for gasoline remains at a record level of $2.24 per gallon. And yet, according to the Bush Administration's own Energy Department, the Republican bill will actually increase gas prices by 3 cents and will have almost no effect on production, consumption, or prices,

As if raising gas prices were not bad enough, H.R. 6 also harms our environment. It rolls back important safeguards in the Clean Water Act and the Safe Drinking Water Act, which are critical in keeping our waterways clean and safe. Protecting the producers of MTBE from paying for polluting our drinking water, H.R. 6 actually passes the cost of cleaning up the industry's mess to taxpayers. Finally, it opens the Arctic National Wildlife Refuge, one of our nation's greatest natural treasures, to drilling by the oil and gas industries.

At this time in history, it is crucial that we work to reduce our dependence on foreign oil by prioritizing energy efficiency and renewable energy. Of all the tax incentives in H.R. 6, only 7 percent are designated to encourage renewable energy and conservation, while billions of dollars in tax breaks are funneled to the oil and gas industries. On top of these tax breaks, provisions in this bill would provide as much as $2 billion over ten years to companies who drill in the deep waters off the Gulf of Mexico. Instead of increasing corporate giveaways at a time when oil and gas companies are raking in record profits, we must redouble our efforts to support renewable energy and conservation.

Mr. Chairman, because H.R. 6 would increase gas prices, harm our environment, and do so little to encourage renewable energy sources, I oppose this legislation and urge my colleagues to do the same.

Mr. EMANUEL. Mr. Chairman, there is a simple test this energy bill should pass.

Is big oil going to see their largess before the American people see relief at the pump?

The answer's yes, and that's exactly what's wrong with this legislation.

It isn't a bill written for the benefit of the American people, but by high-priced lobbyists for the benefit of their high-priced clients.

The Energy Department says this bill doesn't lower gas prices. In fact, it could actually raise gas prices by 3 to 5 cents per gallon according to the Department's independent budget analysis.

Even President Bush said this bill subsidizes the oil and gas companies and that he would have written it differently.

The energy bill is supposed to provide this nation with a comprehensive energy policy, but what's written here is an $8 billion giveaway to big oil.

Mr. Chairman, yesterday the President said, ''I wish I could simply wave a magic wand and lower gas prices tomorrow.''

Well, Mr. President, I wish that I could wave a magic wand and get your administration and this Congress out of the pockets of big oil companies.

Then maybe we could begin the people's work.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 6, the Energy Policy Act of

2005. Completion of this energy bill is a step forward in our struggle for energy security and independence. A reliable and affordable energy supply is crucial to America's economic vitality, security, and quality of life.

While this energy bill is not perfect, we continue to make progress towards promoting energy conservation and efficiency; increasing the use of all domestic energy resources, including coal and ethanol; improving our energy infrastructure; and promoting the development of advanced energy technologies.

The combustion of fossil fuels is essential to our energy policy and must continue to be a part of a balanced energy plan for this country. Coal is absolutely critical to our nation's economic health and global competitiveness because there is no present alternative to coal to meet our energy needs. Coal accounts for more than 50 percent of U.S. electricity production in the U.S., and in my home state of Illinois, the coal reserves contain more BTU's than the oil reserves of Saudi Arabia and Kuwait. Twenty-three of the state's 82 generating facilities run on coal and employ over 2,883 employees. However, a majority of the coal facilities burn Western coal. The coal provisions included in today's energy bill could help these plants switch back to Illinois coal, keep them operating in a more environmentally friendly way, and maintains jobs.

I am pleased this year's energy bill contains provisions for clean coal technologies to burn coal more efficiently and cleanly with the hope of achieving a healthier environment while maintaining jobs. Specifically, I am referring to an important provision in H.R. 6 that authorizes $200 million for fiscal years 2006 through 2014 for the Clean Coal Power Initiative (CCPI) to direct the Secretary of Energy to carry out pollution control and coal gasification projects to promote environmentally safe energy production using performance goals for coal emissions, awarding grants and funding coal gasification projects. I am also pleased the energy bill again contains my language to create national centers for coal research, one of which is Southern Illinois University Carbondale (SIUC) because of the university's proven record of demonstrating clean coal technologies. Further, this year in the House Science Committee, I introduced a new initiative that was included in today's energy bill to create a program to develop advanced technologies to remove carbon dioxide from coal emissions and permanently sequester it below ground. This is one of the technologies that the FutureGen project is designed to use. Southern Illinois is the perfect location for FutureGen, which is a clean coal power plant with emissions equal to those of natural gas that has been proposed by President Bush and needs Congress's support.

In addition to the clean coal provisions, the bill contains provisions instrumental in helping increase conservation and lowering consumption. Included in this are ethanol provisions that are used as a replacement and additive for gasoline consumption. Under this legislation, ethanol use would increase, nearly tripling the current requirement. This is expected to increase the average price of corn paid to farmers 6.6 percent, or 16 cents per bushel and increase average net cash income to farmers by $3.3 billion over the next decade, or more than six percent. This increased use of ethanol will save 1.3 billion barrels of oil by 2016, improve the trade deficit by $28.5 billion over 15 years, add $135 billion to the American economy by 2016 through increased agricultural demand and new capital spending, and generate $32 billion in income for American consumers over 15 years. Illinois currently produces over 800 million gallons of ethanol per year at 7 different plants, roughly 28% of all U.S production, employing 1,168 people.

Although I am pleased the energy bill promotes essential investments in energy efficiency, renewable fuels, and advanced vehicle technologies, much more is needed. The security and environmental challenges can no longer be overlooked if our country wants to truly reduce our oil dependence. Therefore, I am disappointed the Boehlert/Markey amendment which I supported did not pass. This would have increased the fuel economy of America's vehicles to 33 miles per gallon by 2015. The technology exists today to make all vehicles to go farther on a gallon of gas while improving safety and consumer choice. This amendment would save American consumers money at the gas pump, protects the environment, and cuts America's dangerous dependence on oil.

I am also disappointed an amendment offered by Representatives MARKEY and JOHNSON that would prohibit drilling in the Arctic National Wildlife Refuge (ANWR). I have consistently opposed oil and gas exploration, development, and production in the Arctic Refuge and voted in favor of the Markey/Johnson amendment to strike the title from the bill.

Finally, I supported a motion to strike a provision in H.R. 6 that has been identified by the Congressional Budget Office as an unfunded mandate on state and local governments and the private sector. This provision shifts the clean-up of methyl tertiary butyl ether (MTBE), burden on communities and the federal government. Clean up is a huge and growing problem in communities across the country, including my congressional district, as MTBE contamination is extremely expensive, and taxpayers should not be obligated to pick up the tab.

Mr. Chairman, America deserves an energy policy that makes the country safer and more secure. There are many aspects of the energy bill, such as the coal and ethanol provisions that help Illinois, and I will work with my colleagues to ensure they are an integral part of our energy future.

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to H.R. 6, the Energy Policy Act.

I believe every Member in this chamber agrees that our country faces a potential energy crisis if we do not act quickly to establish a new national energy policy. We need to make major investments in energy self-reliance, infrastructure, and new technologies. However, where we differ is on how best to achieve those goals. When I look at the provisions of this bill, I do not see a clear vision for America's future. Instead, I see a policy that promises more of the same and that does not end our nations' dependence on foreign oil. It astonishes me that the nation that mobilized to put an American on the moon is not leading the world in developing new, clean and renewable energy sources. Such an effort would revitalize our economy, improve our environment, and strengthen our national security. However, this mission can be successful only with the leadership of Congress and the President, and I regret that we have not pursued that goal here today.

Instead, this bill clings to the incorrect assumption that our nation can drill and dig its way to energy independence. Although transportation is the largest source of oil consumption in the nation, H.R. 6 authorizes drilling in the Arctic National Wildlife Refuge rather than making modest improvements to automobile fuel efficiency standards. Instead of investing in renewable energy sources, 93 percent of its $8.1 billion in energy production tax incentives are targeted toward gas, oil, and other non-renewable sources.

The measure also includes some very disturbing provisions that can damage the health and safety of our citizens. H.R. 6 includes a liability exemption for manufacturers of MTBE, the fuel additive that has contaminated the groundwater of communities throughout the nation, including in Pascoag, Rhode Island. It also strips states of their ability to provide for the safety of their citizens by granting the Federal Energy Regulatory Commission almost unlimited authority in siting new liquefied natural gas facilities. A recent study by the Department of Energy noted a deliberate attack on a LNG tanker could result in a deadly fire reaching as far as a mile away. Nevertheless, FERC is considering an application for a LNG facility in Providence, in proximity to Interstate 95, schools, neighborhoods, and Rhode Island Hospital, the only Level trauma center in the state. A broad, bipartisan group of state public officials, including the Governor, Lieutenant Governor, Attorney General, Mayor of Providence, and the Congressional delegation, have expressed their united opposition to the proposal, but the provisions in this bill would place the decision solely in the hands of FERC without the consent of those elected to protect the people of Rhode Island.

Last week, right before the April 15th tax filing deadline, this Congress passed an estate tax bill that benefited only the wealthiest one-third of one percent of Americans while adding massive debt to burden future generations. Today, the day before Earth Day, we are considering an energy bill that provides massive tax breaks to the oil and gas industry instead of investing in cleaner renewable sources and energy efficiency. Again, Congress has identified a problem and responded in a fashion contrary to the long-term interests of our nation. I am deeply disappointed in this measure and urge my colleagues to vote against it so that we can refocus our efforts on an energy policy for America's future.

Mrs. DAVIS of California. Mr. Chairman, I rise regrettably in opposition to H.R. 6, the Energy Policy Act. While there are many good provisions in the act that make modest improvements in support of energy efficiency, there are major deficiencies in this bill.

My constituents are very clear about the problems they face. First, gas prices are too high at the pump. Second, our country will always have to rely on foreign-produced oil. Third, the costs of electricity have been inflated by the manipulations of energy corporations which have not been required to refund their illegal profits. In addition, many are concerned about the effect of greenhouse gas emissions. This measure does not strongly address these issues.

The cost of gas is a function of supply and demand. This body had the opportunity to enact a wisely balanced policy to reduce the demand for oil in this country and to address the supply of fuel by investing aggressively in

alternative energy sources. The President's own energy administration have said this bill will have only negligible impact on production, consumption and imports of oil. In fact, they said it will probably increase the price of gasoline by 3 cents per gallon.

What this bill does is to authorize more money for existing energy producers to increase oil drilling in sensitive areas for sources of supply that will not greatly reduce future reliance on foreign oil. The President himself declared that with oil costing over $50 per barrel, the oil industry does not need further incentives to increase production. Price alone does that. Yet, this bill provides $8 billion in subsidies for the oil and gas industry.

The President proposed $6.7 billion for tax breaks for energy with 72 percent invested in renewable energy sources and energy efficiency. Instead, this bill reduces that investment to 6 percent. Even an existing program to provide tax credits for wind power will sunset this year and has not been renewed in this bill. Yet, high costs of electric energy must be reduced by use of renewable sources for power.

A major way Congress could have acted to reduce petroleum demand would have been to increase fuel efficiency standards for automobile fleets. A major report by the National Commission on Energy Policy advocated enhancing oil security by reforming and significantly strengthening vehicle efficiency standards. Within a relatively short time, expanding the production of vehicles with existing technologies could have reduced fuel consumption of automobiles and U.S. oil demand. Yet, an amendment to increase fuel efficiency standards failed.

The Commission also advocated providing $300 million per year in manufacturer and consumer incentives for production and purchase of efficient hybrid-electric and advanced diesel vehicles. This bill falls short of that goal, providing only $35 million for 2006 for grants to develop hybrid technology and no funding for incentives to manufacture or purchase them.

Regrettably, the amendment to strike drilling for oil in the Arctic National Wildlife Refuge also failed. Drilling there would not address the near-term supply of oil and therefore gas prices and is not projected to have a major impact on reducing dependence on foreign oil. In fact, this country cannot be self-sufficient in oil. We must reduce our demand.

Related to an issue of great concern to Californians, the bill protects producers of the additive MTBE from liability for their knowing sale of a product which seeps into local water supplies rendering them toxic. Initially, an amendment striking this was not allowed to be debated and voted. States like California could be stuck with paying the estimated $29 billion bill for cleaning up these sites of leaking storage tanks and polluted water supply.

There are a host of other issues that affect my constituents on the coast of California. These relate to the ability to appeal decisions under the Coastal Zone Management Act and incentives for drilling for oil on the Outer Continental Shelf. The bill removes the power of states to determine siting of liquefied natural gas facilities. There are also provisions which will reduce the incentive for states to clean their air, thus increasing global warming.

In addition, the bill increases the power of the Federal Energy Regulatory Commission, the body which has failed to order appropriate refunds for California utility consumers based on the 2000–2001 manipulation of the power market.

While I applaud a number of measures, like continuing the Energy Star program for appliances and providing grants of $50 million in 2006 to develop or promote photo voltaic technologies, these measures are modest compared to the overall need for investing in alternative energy sources and passing measures to decrease our dependence on petroleum.

The Acting CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, pursuant to House Resolution 219, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SHIMKUS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 183, not voting 3, as follows:

[Roll No. 132]

AYES—249

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Ferguson
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
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
Rush
Ryan (WI)
Ryun (KS)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—183

Ackerman
Allen
Andrews
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boyd
Bradley (NH)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Flake
Frank (MA)
Gerlach
Gilchrest
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)

| | | |
|---|---|---|
| Miller, George | Ruppersberger | Stark |
| Moore (KS) | Ryan (OH) | Strickland |
| Moore (WI) | Sabo | Stupak |
| Moran (VA) | Salazar | Tanner |
| Nadler | Sánchez, Linda T. | Tauscher |
| Napolitano | Sanchez, Loretta | Taylor (MS) |
| Neal (MA) | Sanders | Thompson (CA) |
| Oberstar | Saxton | Thompson (MS) |
| Obey | Schakowsky | Tierney |
| Olver | Schiff | Udall (CO) |
| Owens | Schwartz (PA) | Udall (NM) |
| Pallone | Schwarz (MI) | Van Hollen |
| Pascrell | Scott (VA) | Wamp |
| Pastor | Serrano | Wasserman Schultz |
| Paul | Shays | Waters |
| Payne | Sherman | Watson |
| Pelosi | Slaughter | Watt |
| Price (NC) | Smith (NJ) | Waxman |
| Rahall | Smith (WA) | Weiner |
| Rangel | Snyder | Wexler |
| Rothman | Solis | Woolsey |
| Roybal-Allard | Spratt | Wu |
| Royce | | |

NOT VOTING—3

| | | |
|---|---|---|
| Kelly | Sessions | Velázquez |

□ 1644

Mr. JONES of North Carolina changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 748, THE CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 748, the Child Interstate Abortion Notification Act, which I suspect will be discussed by my friends, the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY), in just a moment.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by noon on Tuesday, April 26, 2005. Members should draft their amendments to the bill as reported by the Committee on the Judiciary by April 13, 2005. Members are advised that the report of the Committee on the Judiciary was filed today, and Members are also advised that the text of the reported bill should be available for their review on the Web sites of the Committee on the Judiciary and the Committee on Rules by Friday, April 22, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

## LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I am pleased to yield to the gentleman from Texas (Mr. DELAY), the majority leader, for the purpose of inquiring about the schedule for the coming week.

Mr. DELAY. Mr. Speaker, I thank my friend for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules, and a final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. for legislative business. We may consider additional legislation under suspension of the rules, as well as H.R. 748, the Child Interstate Abortion Notification Act.

Mr. Speaker, I yield back to the distinguished whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

Mr. Leader, I noticed that the budget conference report is not listed on the schedule next week. The gentleman and I talked about that last week. Can the gentleman tell us when the gentleman believes the budget conference will be appointed and when we might have that on the floor?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

I believe the Committee on the Budget chairman, the gentleman from Iowa (Mr. NUSSLE), has had some informal discussions with his Senate counterpart. I have spoken to the majority leader of the Senate. They are hoping to call a conference committee meeting sometime next week, which means we will have to go to conference sometime next week. As the gentleman may or may not know, the Senate is taking a work period the following week, so they are trying as hard as they can to get this conference formed, a meeting, and work done so that we can have a conference report on the floor of the House and the Senate by the end of next week.

□ 1645

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. If I could raise one additional issue, it is my understanding that one of the reasons we have not appointed conferees and we have not gone to conference is the issue of the Medicaid cuts.

I understand a substantial number of Members on your side have suggested that those cuts are not advisable. Obviously, the Senate did not include those cuts. Can the majority leader tell me at this point in time if there has been any resolution of this issue, as to where we might stand on those Medicaid cuts.

I yield to my friend.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding. All I can tell the gentleman is, I know there is a lot of discussion about that over in the Senate. I do not know what their resolution is, even if there is a resolution on the Senate side.

The House, as the gentleman knows, passed the budget that has substantial mandatory savings in it. The House is very interested in holding the line on their mandatory savings, and the Senate is trying to work through this process.

So it is really up to the Senate as to what they are going to bring to the conference.

Mr. HOYER. Mr. Chairman, I thank my friend for that information. Again, I do not know the accuracy of the letter in terms of the numbers of people, but there seemed to be a fair number of people, there were over 40, on the letter which appeared to agree with the Senate's view, obviously a large number on this side who share that view as well.

Perhaps we might have some discussions about reaching agreement on that issue at some point in time.

Mr. DELAY. I appreciate the gentleman yielding. I am sure that the discussions will fly fast and furious over next week in trying to get this conference report done.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his information, and I yield back the balance of my time.

## ADJOURNMENT TO MONDAY, APRIL 25, 2005, AND HOUR OF MEETING ON TUESDAY, APRIL 26, 2005.

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next, and, further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 26, 2005 for morning hour debate.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT.

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1095

Mr. SHAYS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1095, a bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a World Trade Center Memorial Fund, and for other purposes.

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

There was no objection.

## SUPPORT FOR THE MAJORITY LEADER

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

Mr. DAVIS of Kentucky. Mr. Speaker, it may come as a surprise to the minority leader and her liberal followers in this Chamber to learn that when I am back in the 4th District of Kentucky I am not asked why I support the majority leader. I am asked why the liberal Democrats insist on obstructing progress in the House.

My constituents want to know why the so-called progressive party opposes legislation to create jobs, to lower the cost of health care, to secure our borders, to fortify our military and to strengthen Social Security for future generations. And now my constituents want to know why the liberal Democrats will not let the majority leader appear before the ethics committee to clear his name.

It appears to my constituents that the liberals are afraid the majority leader, a man who does not stand in violation of any law, will clear his name. And then what happens? The minority leader and her followers will have to explain why they wasted America's time assassinating the character of the majority leader rather than working in Congress to help our country.

I think the answer is already clear.

## SUPPORT FOR THE MAJORITY LEADER

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

Mr. PRICE of Georgia. Mr. Speaker, for the last 6 weeks, Democratic leaders have been speaking out of both sides of their mouths. They have leveled charges against the majority leader, yet at the same time they will not allow the ethics committee to convene and explore the facts. If they are serious about our ethics process in this institution, why will they not let the ethics committee organize so that it can conduct its business?

Time and time again the ethics committee chairman has offered to end the Democratic logjam. This is the same old, tired, petty, partisan politics of the past. A Democrat leader is quoted as saying this issue will cost Republican seats in next year's election, petty, partisan politics.

There is only one conclusion that can be drawn from the activities of the Democrat leaders, they would rather have an issue than a solution. It is sad and it is cynical.

Mr. Speaker, House Republicans are committed to an open, fair and expedient ethics process and are willing to work with Democrats productively. I challenge all Members of this body to ask their leaders to act responsibly. Let us allow the ethics committee to proceed with their appropriate work. Stop the petty, partisan, political tactics. Let us work together and honor our constituents' trust.

## SUPPORT FOR THE MAJORITY LEADER

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

Mr. GOHMERT. Mr. Speaker, we have heard a lot of complaints about rules changes by Democrats. As a freshman, as a former judge and chief justice, I am still in the process of making assessments. When I hear allegations for or against either side, I am looking to figure out, is there evidence to support or dispel the allegations.

In this case, the allegations about the rules changes, you have to take a look at. In the first place, there have been ethical allegations made about the majority leader, Mr. DELAY, and the complaint about the rules changes.

Well, we look at the rules. First of all, allowing someone to know what they are charged with in advance seems pretty reasonable. Allowing someone to hire their own attorney sounds pretty reasonable. Going from 90 days to 45 days seemed a little short, and then we hear Chairman HASTINGS say, We will go and I will give you an automatic extension back to 90.

You look at the evidence, the fact that there was a RICO lawsuit filed against the majority leader that was dismissed with prejudice because there was nothing there, you have a DA that has been trying to indict him for years unsuccessfully.

There is an old saying, Mr. Speaker, justice delayed is justice denied. It appears now that this is all about denying justice to DELAY.

## SUPPORT FOR THE MAJORITY LEADER

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

Mr. WILSON of South Carolina. Mr. Speaker, for the past 6 weeks Democrats have attacked the character, leadership and intentions of the majority leader, the gentleman from Texas (Mr. DELAY).

Although Democrats continue to smear the gentleman from Texas (Mr. DELAY), they forget that they are responsible for preventing the ethics committee from investigating the charges directed at the gentleman from Texas (Mr. DELAY).

Since the beginning of the 109th Congress, House Democrats have refused to allow the ethics committee to meet to address this issue. Four ethics committee Republicans have pledged that as soon as the Democrats permit the ethics committee to function again, they will vote to form an investigative subcommittee to review various allegations concerning travel and other actions by the gentleman from Texas (Mr. DELAY).

Majority Leader DELAY has said all along that he wants to appear before the ethics committee to address the recent accusations. Unfortunately, Democrats prefer to attack his character for political purposes rather than officially investigate these allegations.

Democrats should stop playing politics with the House ethics committee and should give the gentleman from Texas (Mr. DELAY) the opportunity to defend himself through the congressional ethics process.

In conclusion, God bless our troops. We will never forget September the 11.

## SUPPORT FOR THE MAJORITY LEADER

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

Mr. SHUSTER. Mr. Speaker, we are now 4 months into the 109th Congress and Republicans have passed bankruptcy reform, repealed the death tax, adjusted class action lawsuits to help victims, enacted border security to keep out terrorists, passed a budget and wartime funding, strengthened job training for millions and passed the highway bill. Meanwhile, the House Democrats have not proposed an agenda, but instead have remained negative, obstructive and focused on partisan attacks.

I rise today to support the majority leader, the gentleman from Texas (Mr. DELAY), not because he has proven to be an effective leader, but because he has been a victim of political gameplaying and a relentless media, a media not focused on policies that have helped millions of Americans lead better lives, but instead focused on tabloid attacks on our leader.

Time and time again, the gentleman from Texas (Mr. DELAY) has requested to appear in front of the ethics committee. He has requested this opportunity to prove his innocence and put an end to these meritless accusations, accusations that are based upon nothing but pure partisan rhetoric.

Democrats' attack on the Republican majority leader is nothing but a coordinated agenda to stop an effective leader from accomplishing the people's business.

Ethics is an issue that should not be taken lightly. The committee in Congress should not be used as a partisan tool. We need to get back to debating the principles to make America a better place.

## IN SUPPORT OF THE MAJORITY LEADER

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

Mr. HERGER. Mr. Speaker, I want to commend my friend from Washington, and the gentleman from Washington

(Mr. HASTINGS) the chairman of the ethics committee, for his efforts to resolve the regrettable impasse that has prevented the committee from organizing. He has made a thoughtful and good-faith attempt to clear up any misunderstanding and resolve any perceived concerns.

But this was rejected out of hand by our friends on the other side of the aisle. Why? Because their concerns are neither real nor substantive. They want the committee to be in limbo. They are creating an issue for political purposes without any positive ideas about how to resolve the very serious challenges facing our Nation. Negativity and political attacks are their only strategy.

Mr. Speaker, this is wrong. Let us move forward constructively and stop abusing our ethics process for purely political gain.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## REMEMBERING EARTH DAY

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

Mr. SCHIFF. Mr. Speaker, tomorrow is the 35th anniversary of the first Earth Day, which is considered the birth of the modern environmental movement in this country. In the 3½ decades since, it was first celebrated in 1970, Earth Day has become a day for reflection, a day for education, and a day for action. It provides an annual benchmark by which we can measure our progress as stewards of our planet.

That stewardship is about more than preserving pristine wilderness and endangered species. Our economic and national security are also at stake. The biggest impediment to sound environmental policies in the United States comes from those who see environmentalism as competing with our economic prosperity and our national security.

The energy bill that was just considered by the House was advertised by its supporters as providing security for America by reducing our dependence on foreign sources of fossil fuels. It does this through $8 billion in tax breaks to encourage domestic production.

Unfortunately, 95 percent of the tax subsidies benefit the oil, gas, coal and nuclear industries, while only 5 percent are directed towards wind, solar and other renewable sources. In my opinion, the energy bill is a short-sighted response to two of the central strategic challenges confronting our country, beginning the transition to a post-fossil-fuel economy and reducing the emission of greenhouse gases that every reputable scientist knows are contributing to global warming.

We cannot drill our way to energy independence. We cannot burn our way to a cleaner environment. We cannot go on behaving as if time and resources are on our side.

Rather than making America more secure, the energy bill does the opposite. Both economically and in terms of our national security, the policies enshrined in this bill will make us profoundly weaker.

In doing so, we have shied away from the challenge of developing new ways of powering our lives by unleashing the driving force behind America economic competitiveness, technological innovation mixed with entrepreneurship.

□ 1700

And while America sits on the sidelines, our competitors in Europe and Asia are developing technologies that will enable them to reduce fuel consumption and lower emissions of greenhouse gases. Rather than American entrepreneurs driving these changes, it is our competitors who prosper.

In just one graphic example, there are 6-month waiting lists to buy Japanese hybrids while American car makers fall further and further behind.

In addition to environmental and economic considerations, there are equally compelling national security reasons to confront the scarcity and costs of oil, the challenge of global warming and environmental degradation. Imagine the increased strength, independence, and security that would come to an America that could tell the oil-producing nations, we do not need your oil, we do not want your oil, we can do better. And imagine the risk to America if we negligent the sobering evidence of global warming.

Last year the Pentagon's Office of Net Assessment issued a report on the national security aspects of climate change. The report evaluated one scenario in which the Earth's climate rose by 5 degrees in North America over a 15-year period between 2005 and 2020. The consequences of such a rapid temperature increase were myriad and catastrophic: drought, fire, storms and sea levels that rose around the world, flooding heavily populated coastal regions.

Unfortunately, the administration has failed to provide leadership or vision on this issue. Senior level positions at the National Security Council and in the Department of Defense dealing with the security threat of environmental degradation have been downgraded or eliminated. From the President on down, this administration has had a contempt for science that is at odds with its policy or belief.

Now, Mr. Speaker, at a time when this Nation should be marshaling its talents and resources for a new Manhattan Project to make practical solar, wind, and wave energy, we have instead opted to subsidize the extraction of every last barrel of oil and ton of coal that we can get our hands on.

Even as we have driven up the financial burden on our children through reckless fiscal policies, we are imperiling their very existence through willful neglect of our responsibilities to the environment. I can only hope that we will not have to tell our grandchildren, to paraphrase the words of Kurt Vonnegut, We could have saved the Earth, but we were too darned cheap.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 6, ENERGY POLICY ACT OF 2005

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 6, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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

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

## EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. 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 gentleman from North Carolina?

There was no objection.

## IN SUPPORT OF LT. ILARIO PANTANO

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

Mr. JONES of North Carolina. Mr. Speaker, I have spoken at length on the floor about Second Lt. Ilario Pantano, a Marine who served this Nation bravely in both gulf wars.

During his service in Iraq last year, Lt. Pantano was faced with a very difficult decision that caused him to make a split-second decision to defend his life. He felt threatened by the actions of two insurgents under his watch, and in an act of self-defense he had to resort to force. Two and a half months later, a sergeant under his command who never even saw the shooting accused him of murder. Lt. Pantano now faces two counts of murder.

Mr. Speaker, what is happening to this young man is an injustice. Lt. Pantano has served this Nation in great honor. My personal experiences with him and his family convince me that he is a dedicated family man and a man who loves his corps and his country; but I am not the only one who believes he is innocent.

I have read excerpts of pieces from the Washington Times and respected journalist Mona Charen defending Lt. Pantano. I have received letters and e-mails from Vietnam veterans who sympathize with him and ask that I do something to help him. They know what it is like to be in a battle with an unconventional enemy. One second can make the difference between life and death.

I have read excerpts from his fitness report in which his superiors praise his leadership and talent. In that report, his superior officer evaluated ''accomplished infantry leader. His actions during the fighting in Fallujah and Al Zaidon highlighted a solid understanding of tactics and ability to anticipate the enemy. Leads from the front always and balances his aggressive style with true concern for the welfare of his Marines. Exceptional communication skills for a Second Lt. Organized, aggressive, focused and driven. Ready for increased responsibility. Retain, promote, and assign to challenging assignments.''

Mr. Speaker, that came 2 months after the sergeant reported him for murder.

Mr. Speaker, Lt. Pantano by all accounts is an exceptional Marine. On Monday, April 25, there will be an Article 32 hearing to determine whether or not Lt. Pantano will face a court-marshal for a murder trial. If convicted by a court-marshal, Lt. Pantano can be subject to the death penalty for an action he took in self-defense on the battlefield.

I hope and pray, Mr. Speaker, that on Monday Lt. Pantano will be cleared of all charges because I am confident that he did his duty as any Marine officer should when faced with the enemy.

Mr. Speaker, I have introduced House Resolution 167 to support Lt. Pantano as he faces trial. I hope that my colleagues in the House will take some time to read my resolution and look into this situation for themselves. Lt. Pantano's mother, a wonderful lady whom I have spoken to by telephone on several occasions, also has a Web site that I encourage people to visit. The address is www.defendthedefenders.org.

Mr. Speaker, I close by asking the Good Lord to please bless our men and women in uniform and their families and to please be with Lt. Pantano on Monday, April 25 and may he be exonerated of these charges for doing his duty to protect America. God bless him and God bless America.

## SMART ENERGY POLICIES, NATIONAL SECURITY, AND IRAQ

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

Ms. WOOLSEY. Mr. Speaker, H.R. 6, which the House passed earlier today, is called the Energy Policy Act of 2005. But the only real policies to be found in this immoral legislation are tax breaks for polluters, swollen gasoline prices, and continued reliance on fossil fuels of the past. This legislation fails to even mention climate change or global warming which scientists of all stripes acknowledge is caused at least in part by high levels of carbon dioxide emissions from automobiles.

It fails to correct the matter of MTBE, a gasoline additive that has leaked into the Earth and tarnished our drinking water, except, however, to waive liabilities for MTBE providers.

Most significant of all, Mr. Speaker, this legislation fails to truly address America's reliance on Middle East oil. Of the 21 million barrels consumed by the United States each day, 14 million barrels are imported, making Middle East oil the United States' main source of energy. Much of this oil is imported from countries that do not share America's commitment to democracy and our commitment to human rights, countries like Saudi Arabia, Libya, and Venezuela.

It is obvious in this energy bill that those who claim that drilling in the Arctic National Wildlife Refuge in Alaska will cure our Nation's energy policy do not know much about how oil is produced. Drilling in ANWR will do little to reduce our current dependence on foreign oil because it will take a full decade to process what little oil may be there in the first place. That does not sound like a comprehensive energy strategy to me.

By continuing to purchase Middle East oil by the boatload, we are failing to take advantage of life-changing renewable energy technologies while continuing to promote our national insecurity by providing billions of dollars each year to repressive regimes.

The oil dollars that go to oppressive Middle East regimes do not, of course, help the poor people in these countries. Instead, they line the already thick pockets of the fat-cat ruling elite. In this way, U.S. policies actually discourage democracy in the Middle East because we continue to help maintain the economic gap between the rich and the poor.

In truth, this failure to reduce our dependence on Middle East oil along with President Bush's supremely misguided invasion of Iraq have combined to make Americans less secure, not more secure.

The Bush administration has falsely labeled the war in Iraq, much like the latest energy bill, as the essence of protecting our national security, when in fact both contribute to our lack of security.

Already more than 1,500 American soldiers and tens of thousands of Iraqi civilians have been killed in this war, not to mention the more than 12,000 troops who have been gravely wounded. Hardly the stuff of a national security.

Let us never forget that the invasion of Iraq was a war of choice against a country that never posed a threat to the United States and never possessed relationships with international terrorist groups like al Qaeda.

President Bush claims that things are going well in Iraq, demonstrated by the fact that 150,000 Iraqi soldiers ''have been adequately trained.'' But if 150,000 Iraqi soldiers have been trained, then why do 150,000 American soldiers remain in the country? Why do our troops continue to die for a war that was a mistake from the very beginning?

If President Bush continues to support a misguided war that is draining our national resources, and if the Republicans will not work to reduce our dependence on foreign oil, how can they possibly claim to be securing America against the threat of terrorism? Clearly, much more needs to be done to make America secure.

Mr. Speaker, I will soon reintroduce the SMART Security resolution, legislation to secure America for the future by preventing the threat of terrorism; reducing nuclear stock piles; eliminating the possible use of nuclear weapons through diplomatic means; and establishing a new Apollo Project to secure America's energy independence.

I urge my colleagues on both sides of the aisle to join me in this effort to truly secure America for the future.

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

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

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## EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Maryland (Mr. CUMMINGS).

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

There was no objection.

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## SERIOUS ENERGY PROBLEMS

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

Mr. DEFAZIO. Mr. Speaker, well, America has a serious problem with energy prices. If you just peruse today's Wall Street Journal and New York Times, you will see the airlines are reporting record losses in great part despite efficiencies, despite concessions

by labor because of an increase in fuel prices. You see that General Motors has had a huge drop-off in the purchase of their lucrative SUVs and other larger vehicles that consume more gas, Ford similarly.

We find this in small businesses across America; it has been embedded in everything. And now we are beginning to hear that there are stirrings of inflation beyond the price of oil and gas. This is a serious problem; and, unfortunately, this body, the House of Representatives, to its discredit did not adopt a serious or effective proposal to begin to address this problem in either the short or the long term.

Short term, American consumers need relief from high gas prices. They are being gouged at the pump by Big Oil and the OPEC cartel.

Now, I have asked President Bush numerous times, written to him and asked him, he is a big fan of rule of law, international trade agreements, the WTO, all of those things. I am not a big fan. But he says he believes in rules-based trade.

Well, the OPEC cartel is violating the rules of the World Trade Organization. Seven of the OPEC nations are members. They are clearly colluding to restrict production and drive up the price of oil to make a profit. That is clearly prohibited by the WTO. But the President and his trade representative have failed to take any action against the OPEC companies.

Then we have price gouging by Big Oil. Last quarter saw record profits for most of the industry, $8 billion in one quarter for Exxon Mobile. Their cash reserves have doubled to over $20 billion in 1 year, money extracted from Americans 5 cents a gallon at a time or more at the pump by piggybacking on the cartel activities of OPEC, and Big Oil is getting away with it.

This administration is not doing anything to rein in Big Oil. They merge, close refineries, and then blame a shortage of refineries on environmental laws when they have been closed because of mergers to drive up the profits of the oil industry.

We should reinstate a windfall profit tax on the industry. We should break up a number of these huge companies and begin to get some true competition again in that industry.

□ 1715

We cannot continue to bleed this much money. Every day, Americans are bleeding money at the pump, which is ultimately going to spill over into a tremendous problem for our economy, especially if we look at the failing trade policies of this administration.

Then there is energy efficiency, new technologies, energy independence. These are things that seem very foreign to my colleagues on the other side of the aisle and to the old oil men who are running this country down at the White House and at an undisclosed location.

Energy efficiency, this bill makes sort of a passing chuckle and nod at energy efficiency. It spends 20 times as much money subsidizing the oil, coal and gas industry. Wait a minute, were we not just talking about the fact they had record profits last quarter? Yes, they do have record profits and they are extracting that from American consumers, but they want their hands in both pockets. They do not want to just take money out of your wallet, they want to take money from taxpayers, too.

So there is $8 billion in this bill, supposedly to help with energy problems. Unfortunately, 95 percent of it is subsidies to the wildly profitable oil, coal and gas industry, which will provide no help to American consumers; and a mere 5 percent is a nod toward the idea perhaps America could develop new sources of energy, perhaps America could become more efficient, perhaps America could become energy independent, but that is only worth 5 percent of what they are putting into the bill.

Just think what it would be like to have an energy-independent America relying upon homegrown sources of energy and new technologies and new efficiencies, and how that would insulate us from these problems around the world. But that is not a vision that is shared by my colleagues on the other side of the aisle. They have delivered us today something that would not have been a very enlightened energy policy in 1955, but is just pathetic in the 21st century, considering the threats to our economy and to our national security.

Unfortunately, they prevailed today, but hopefully, in the future, we can do better by the American people.

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The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

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

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

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

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## COMMEMORATING THE BATTLE OF SAN JACINTO

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

Mr. POE. Mr. Speaker, today I rise to commemorate an historical event in the Lone Star State's grand, glorious heritage. On March 2, 1836, Texas declared independence from the dictatorship of Mexico. On March 6, the Alamo fell with the loss of 187 defenders, all volunteers, William Barrett Travis, Davy Crockett, and Jim Bowie.

Now, I am going to tell my colleagues, Mr. Speaker, the rest of the story and why this day is so important to Texas.

Less than 60 days after the fall of the Alamo, on this day years ago, an 18-minute battle took place on the murky banks of the San Jacinto River where it meets Buffalo Bayou in southeast Texas. History forever changed. Texas' independence from Mexico was secured, and Texas became a country for 9 years.

After the Alamo fell, the Texas army moved rapidly east, being chased by three invading armies from Mexico. The Texans had been joined by settlers fleeing the advance of the tyrant Santa Anna, who was burning Texas settlements. The armies reached a marshy lowland where General Sam Houston decided it was time to turn and fight the enemy.

In a letter Sam Houston wrote to a friend on the morning of April 19, he said, ''The odds are greatly against us, but the troops are in fine spirits and now is the time for action. We go to conquer'' for Texas and they did.

Most battles, Mr. Speaker, in our history start at sunrise, but the Texans were not waiting for another day. So General Sam's army of frontiersmen, shopkeepers, lawyers, ranchers and former slaves, all volunteers, in various types of odd attire, began mustering at high noon. They did not look like an army, but they all had the boldness and bravery and brazen courage to fight for Texas and for freedom.

The Battle of San Jacinto started at 4 o'clock on the afternoon of April 21, 1836. The Texan army consisted of approximately 800 volunteers under the command of General Sam Houston. The Mexican army consisted of approximately 2,000 professional, experienced soldiers under the command of Mexican President and General Antonio Lopez de Santa Anna. Santa Anna's army of hardened veterans had not yet been defeated in battle and even a few years before had defeated the French invasion of Mexico.

The battle began when the Texans, advancing in a single column, attacked the Mexican camp. They were fatigued, they were filthy, famished and fuming, but Houston was mounted on his white stallion leading the army. Armed with tomahawks, Bowie knives and long rifles, they went forward across the open marshy plain of southeast Texas. A Georgian Huguenot, a Kentucky colonel, and a Scotch-Irishman from Tennessee led the march across the tall grass and down upon a Mexican camp engaged in their afternoon siestas.

The pace was set by two unlikely characters that played field music as they marched. There was a German named Frederick Lemsky on the fife and a free black that, by all accounts, his name was Dick the Drummer. Two other musicians volunteered, but none of the foursome knew any marching music. They were only familiar with the popular music of the day. Therefore, Sam Houston, with a smile, had

the foursome play ''Come to the Bower,'' a bawdy-house love song regarded as quite risque at the time. As the soldiers marched on to victory, they carried their banner, a flag of Miss Liberty consisting of a partially clad female proclaiming freedom.

The enemy was caught by a stunning surprise. The battle lasted 18 minutes, but the Mexican defeat was devastating. Only nine Texans were killed or mortally wounded. Six hundred thirty Mexican soldiers were killed, and the number of Mexican soldiers taken prisoner exceeded the entire number of the Texas army.

The battle cries of ''Remember the Alamo'' and ''Remember Goliad'' were the soldiers' calls for vengeance. This was a soldiers' battle, and they had scores to settle because they had lost brothers and friends at the Alamo and Goliad.

The heroes of the battle of San Jacinto were a diverse mix. The youngest soldier at San Jacinto was Elijah Votaw, a 15-year-old that had been in Texas for about a year. The oldest was Asa Mitchell, a 60-year-old who had been in Texas for about 14 years.

Captain Juan Seguin headed a unit of about two dozen Tejanos, people of Hispanic descent born in Texas, who fought in Houston's army and wore pieces of cardboard in their hatbands so fellow soldiers would not mistake them for the enemy.

If we want to credit the most unlikely of heroes, we have to acknowledge the Yellow Rose of Texas, Emily Morgan. Legend has it that Emily Morgan, the young, beautiful, racially mixed housekeeper who had been captured earlier by Mexican forces, is said to have been lingering with Santa Anna in his tent, causing him to be unprepared for the Texans' attack. Later Santa Anna, when he was captured, was found hiding in a well.

The battle of San Jacinto avenged the massacre of Texan soldiers at the Alamo and the murder of hundreds of Texans taken prisoner at Goliad and gave Texas its independence from Mexico.

Texas claimed the entire area from the Gulf of Mexico all the way to Canada, including not only the State of Texas, but New Mexico, Oklahoma, Kansas, Colorado and Wyoming.

So General Sam Houston, his boys took the day, and they defeated the invaders and proclaimed to all, ''Don't mess with Texas.''

Mr. Speaker, every year a local radio station, KILT, with its morning crew of Hudson and Harrigan and top newsman in America, Robert McEntire, honor this day by playing a recording of a bunch of third graders from Tomball, Texas, singing the State song, ''Texas, our Texas,'' with an old, out-of-tune piano. It is because of the Battle of San Jacinto, Mr. Speaker, all Texans can sing along with pride, ''God bless you, Texas, and keep you brave and strong, that you may grow in power and worth throughout the ages long.''

When Sam Houston died some years later, his last words were ''Texas, Texas.'' And Mr. Speaker, the rest, they say, is Texas history.

## JASON KAMRAS, NATIONAL TEACHER OF THE YEAR

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

Ms. NORTON. Mr. Speaker, I come to the House for a joyful moment.

On the front page of the Washington Post today is a very large picture of children of the District of Columbia and one of their teachers, who was entertained yesterday by President Bush at the White House to celebrate the fact that he has been named Teacher of the Year, the oldest and most prestigious award for teachers in our country.

This is a young man who teaches at Sousa Junior High School in Washington, D.C. Jason Kamras is his name. He is a math teacher who graduated from Princeton University. What does he think to do with his life? Come to the District of Columbia to teach disadvantaged children in our elementary and middle schools.

He began teaching in 1996. He took 2 years out because he thought he ought to go and get an education degree, and he went and got a master's degree in education, but came right back to the District of Columbia to teach math at Sousa.

Typical of the way this young man approached his job is the student he first met when he was in middle school at Sousa. His name was Wendell Jefferson. He said, Wendell, you keep trying; you will do well. Wendell Jefferson went on to high school. When he got to high school, no longer under the care of Mr. Kamras, Mr. Kamras tutored him in math. Wendell Jefferson is now studying electrical engineering at Morehouse College.

This story is perhaps emblematic of the way this young man approaches teaching. He lobbied his principal for double the time for students in math, with two teachers for each student. He redesigned the curriculum using technologies so as to adjust the curriculum to all learning styles. He took to heart this notion that every child can learn, those words which have become such a cliche, a cliche because we all know them to be true, but we do not know always how to unlock what makes them true.

In his first year, using his new curriculum, these children went from 80 percent below basic to 40 percent below basic. Something happened to almost 40 percent of them when they got a teacher who homed in on their individual needs. Now, we are talking about a school where all but 40 of about 380 students qualify for the reduced price lunch. It tells us something of the poverty level of the students.

Actually, the District of Columbia public schools look a lot like every big public school, except the Members of Congress see this one up close. We are very pleased to have a new superintendent, Mr. Janey, who is in the process of restructuring our public schools, but of course, the most basic restructuring of schools has to do, first, with the children in those schools, how the schools are restructured so that they are child-oriented and how are they restructured so as to understand the most important adult in each child's life during the school day is the teacher. Somehow or the other this young man, fresh out of college, understood that.

He works from 7:00 a.m. to 7:00 p.m. according to his principal. My mother was a schoolteacher, so I want to say that those long hours are fairly typical of how teachers operate. They do not do it at school. They are working that hard because of the hours they put in at home in preparing to teach.

But for Mr. Kamras, teaching in a big city school system was much more difficult than it was for my mother when she taught when I was a child because of the concentration of poverty in big cities today. This city was a much larger city, 200,000 people more than it has today, and it was far more mixed economically. Then, of course, people began to move to larger quarters in the suburbs leaving concentrations of poverty here. We have lots of middle-class people in the District, I am pleased to say, but we have large concentrations of poverty, and this is reflected in the scores.

The fact that Jason Kamras was able not only to reach the children, but to reach the measurement, which I think is the right measurement; there is no way to get around the fact that test scores are the only way to know for sure that children are progressing. I wish there were a better way. I wish there were a more objective way, but that is it.

□ 1730

This teacher has somehow made these test scores go up.

Mr. Speaker, I do want to quote something that he said, because it tells something of his world view. He said, ''My intense desire to see my school excel comes not only from an unwavering belief that all students deserve an excellent education, but also the unique role Sousa played in the civil rights movement.''

This young man's world view gives him a sense that justice in the classroom must be done because he believes in justice in our country for African Americans, and he has brought it to bear right here in the public schools of the District of Columbia.

I know you would want to, Mr. Speaker, congratulate him; I know this House would want to congratulate him. We take great pride in his achievement today, and we thank the President of the United States for honoring him.

Mr. Speaker, I include for the RECORD the article I referred to earlier in my remarks:

[From the Washington Post]

A D.C. TEACHER'S DAY IN THE ROSE GARDEN

MATH INNOVATOR IS FIRST FROM CITY TO BE DECLARED BEST IN NATION

(By Manny Fernandez and V. Dion Haynes)

The sixth-graders were hunched over their desks behind the metal-screened windows of the middle school—still digesting the difference between similes and metaphors—as the limousine carrying their school's best teacher pulled up to the northwest gate of the White House yesterday.

Welcomed at the gate, Jason Kamras made his way up the driveway flanked with red tulips and walked into a limelight that falls sparingly on the weathered urban school where he has taught math for close to a decade.

''My children simply want the opportunity to pursue their dreams,'' Kamras said as he stood in the Rose Garden beside the president and first lady.

The ceremony recognized Kamras, 31, as the National Teacher of the Year. He is the first winner from a D.C. public school in the contest's 53-year history.

''He's usually at work at 7 a.m., and he rarely leaves before 7 p.m.,'' President Bush said as bright sunshine streamed down on those who gathered for the event. Kamras receives great joy, Bush told them, ''when a student proclaims, 'Mr. Kamras, I get it.' ''

Kamras smiled.

At that moment—six miles and a world away—students in Room 120 at John Philip Sousa Middle School had their rulers out, drawing rectangles, some of them quiet and studious, others loud and distracted.

Sousa sits at the edge of a park east of the Anacostia River, on the poorer side of Washington's dividing line between the haves and the have-nots.

With its tall chimney, the 50-year-old, redbrick building looks more like a factory than a school.

The white flag pole has no flag, and a sign near the entrance declares that firearms are banned within 500 feet. Two women were shot to death down the street several years ago, and the metal detector that students walk through each morning has turned up several knives.

All but 40 of the roughly 380 students qualify for a free or reduced-price lunch, a commonly used indicator of poverty. A year ago, 46 percent of the students scored ''below basic'' on reading tests, and 73 percent scored below basic in math.

Kamras said he doesn't dwell on the negative. His focus is on the faces in his classroom.

''They inspire me every day with their intelligence, creativity and humor,'' he said in the Rose Garden yesterday. Teachers ''can and do make a dramatic difference in their lives every day.''

He was fresh out of Princeton almost nine years ago, and the middle school was showing signs of age, when he first laid eyes on it.

Sousa's principal, William Lipscomb, had fetched him from the Minnesota Avenue Metro station in Northeast, and the two men immediately found common ground.

''We both are from New York and we instantly bonded on that,'' Kamras said.

Two sixth-grade teachers, Carol Taylor and Elaine Stewart, supplied Kamras with construction paper for his classroom and a bit of an introduction to the school.

''Some of the things they raised were the lack of resources. They talked about the socioeconomic challenges that some students at Sousa face,'' Kamras recalled in an interview this week. ''Some students here have encountered violence personally.''

But from the start, he said, he was determined to ''never use the negative factors as predictors of ability or potential.''

During his first year of teaching, Kamras said, he sought to get to ''know the students as individuals, taking the time to learn who they are, what they care about, what their needs are as learners.''

Kamras made bridging the inequities in staffing and other resources between urban and suburban schools a priority. He got creative. He brought a cookie with colorful frosting to class to illustrate circumference, diameter and radius. He took his students to outings at the Lincoln and Jefferson memorials and made time after school to encourage their hobbies. He encouraged his students to take photographs of community life, and their prints were put on display in city offices at Judiciary Square and other places in the city.

And he played chess with student Wendall Jefferson once a week. ''He would routinely defeat me, and I was trying my hardest,'' Kamras said.

During those games he learned about the student and his family, and he sought to inspire him to ''focus in class and tap into the fullness of his potential.''

''I think I was learning as a first year teacher how to engage students and bring their natural love . . . for their hobbies into the classroom,'' Kamras recalled. ''I wanted to use that as a catalyst.''

Jefferson graduated from Sousa in 1999 as valedictorian, and Kamras regularly tutored him in math and science when he went on to high school. Now Jefferson is studying electrical engineering at Morehouse College in Atlanta. He is the first in his family to go to college.

''He said, 'Wendall, you have great potential,' '' recalled Jefferson, 20, who attended the Rose Garden ceremony yesterday. ''I said, 'I'm destined to do great things.' He said, 'Always keep that dream.' ''

Kamras began ''early bird'' advanced math classes before the regular school day began, working to prepare students for the standardized test known as the Stanford 9.

He also came up with an idea that doubled the amount of math instruction by providing two teachers—teaching separate classes—for every student. The program was started for seventh-graders and then expanded to other grades.

''Our Stanford 9 scores went from approximately 80 percent below basic to 40 percent below basic in one year,'' he said.

Though the program continues in other grades, it was discontinued for seventh-graders because there weren't enough qualified teachers.

Kamras said he steadfastly refused to let ''negative factors shape my perspective.''

At the White House, Kamras, who with his boyish looks could have been mistaken for a student all dressed up, heard Bush say, ''Your students are fortunate to have you in their lives.''

He shook hands with Bush and—holding his teaching award, a glass apple on a plaque—posed for photos with the president and first lady Laura Bush.

Next year, he plans to travel the country to promote innovative teaching techniques. He's taking today and tomorrow off. But he plans on being back in the classroom, as usual, first thing Monday morning.

## TRAGEDIES IN FLORIDA REQUIRE STRENGTHENING OF LAWS

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

Mr. FOLEY. Mr. Speaker, I read with horror, outrage, and disgust the news accounts of the death of Jesse Lunsford in Florida. Little 9-year-old Jesse Lunsford was buried alive in garbage bags at the hands of a sick, depraved, and despicable John Evander Cooey, a convicted sex offender who has admitted to raping and killing God's little angel, 9-year-old Jesse.

I am more than troubled by this and other murders, including the death of Sarah Lunde, a 13-year-old, again in Florida, killed by David Ostott; David Ostott being another convicted rapist, a violent rapist convicted in 1997 for violently raping a woman and walking the streets in Florida a few short years later.

What is wrong with our system? We made a Federal case out of Martha Stewart recently, and we have ankle bracelets on Martha Stewart's legs as she goes around her $20 million mansion in upstate New York. Hardly, hardly a threat to anyone in society. But David Ostott, a convicted rapist, and John Cooey, a convicted sex offender, are free to roam the communities in which our families live and who are subjected to the violence and demonic and desperate behavior of these perverted and sick individuals.

The tragedies that have happened in Florida recently are inexcusable. The fact that families have to be frightened is a sad commentary on our system. I must tell you, Mr. Speaker, I am absolutely determined to change the fate of the laws of this Nation. As cochairman with my good friend, the gentleman from Alabama (Mr. CRAMER), of the Congressional Missing and Exploited Children's Caucus, we are working and have been working for some time on a fundamental rewrite of the laws governing the way we conduct both investigations, hopefully sentencing, as well as registries to try to make these issues and these systems more effective for our constituents and for our communities.

We have to get a handle on and our hands around this significant problem. We cannot allow another life to be wasted in such a vicious and malicious fashion, buried like garbage. We treat our pets better. We have had foster kids abused, we have had problems rife throughout the system, and it has to stop.

I am encouraged that so many in Congress and so many in the State legislatures who have heard these dramatic cases are working aggressively to try to change the laws and to strengthen the laws. We have to do more. We can do more. We can do better. I am embarrassed beyond belief that these type of people could be wandering the streets.

There is a 90 percent likelihood of recidivism for sexual crimes against children. Ninety percent. That is the standard. That is their record. That is

the likelihood. Ninety percent. Yet we say that the prisons are too crowded and we probably have to let these people out early on good behavior. Oftentimes they tell their probation officers and the courts that they are sick and they need help; and yet they are told, well, you will have to find it somewhere in the mental health corridor of your community.

We expect them to show up. That is another really mind-boggling thought here, that we tell these people that have been convicted of violently raping women and children that they should show up to a local official and register so that they can be on an offender list. That is not going to happen, so we have to stop trusting them to show up and register.

As we begin this process, I welcome both sides of the aisle, as I mentioned my colleague, the gentleman from Alabama (Mr. CRAMER), in this debate to try to strengthen and codify into law things that will actually work. No more panaceas, no more feel-good solutions, no more expectations that these people who commit these crimes repeatedly will somehow become models of behavior in their communities. We have to be sure that they are monitored. Whether it is through ankle bracelets or other means, we will insist that they be followed, that they be pursued, and if they violate again that they never be let out of jail to harm another individual or innocent citizen.

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

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

## OPPOSED TO CAFTA

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I rise in opposition to the Central American Free Trade Agreement, otherwise known as CAFTA. As many of my colleagues here know, CAFTA is nothing more than a green light for corporations to outsource American jobs.

I am appalled by some of the awful provisions in this shameful trade agreement. When you look at the restrictions on Central American workers and the outsourcing of American jobs, you will quickly realize that there is nothing free about the Central American Free Trade Agreement.

My friends, make no mistake, if we ratify this agreement there will be no jobs left in this country to outsource. Did we not learn anything as a body from the NAFTA agreement? The lesson we should have learned from NAFTA was that not all free trade agreements give us fair trade.

For instance, NAFTA, which was supposed to be this great jobs creator, middle class creator in Mexico, failed to create the middle class that it promised. Since NAFTA, the rich are getting richer in Mexico while poverty and income disparity are more prevalent than ever. As NAFTA failed to protect the middle class, so will CAFTA.

Congress needs to step up and tell the administration that worker protections matter. We need to do what is right and support trade policy that is fair and balanced. We need to do what is right and make agreements that strengthen labor protections, not overlook them. We need to do what is right for safeguarding the environment. We need to do what is right for all working people and scrap this terrible agreement. We have a moral obligation to make trade fair for all Americans and the rest of the world.

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

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

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

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

## TRIBUTE TO THE LATE MAYOR RICHARD J. DALEY

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

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the greatest public servant and political leader the City of Chicago has ever produced, the late Mayor Richard J. Daley.

Mayor Daley, who passed away in 1976, was elected and inaugurated to his first term as mayor 50 years ago this month. It is not an overstatement to say that the Chicago most of the world recognizes today is a legacy of Mayor Daley. In his 21 years in office, Mayor Daley earned the nickname Dick the Builder, as he helped guide the construction of the Sears Tower, O'Hare Airport, the John Hancock building, Chicago's expressway system, McCormick Place, twice, and dozens of other renowned landmarks synonymous with the city. Richard J. Daley turned the city of Al Capone and pork bellies into the world capital of Mies Van der Rohe and jet travel.

The great Chicago songwriter Steve Goodman put it this way in a tribute song: ''When it came to building big buildings, no job was too tough. Daley built McCormick place twice because once was not enough.''

Last night, Richard J. Daley's memory was honored at a dinner by those who knew and worked with him as well as by individuals who simply wanted to celebrate the legacy of this great American leader. Appropriately, events took place on the campus of the University of Illinois at Chicago, UIC, which the mayor felt was his greatest achievement. So strong was his commitment to education that for nearly 30 years, from his days in the Illinois General Assembly in the 1930s until the completion of UIC in the 1960s, Richard J. Daley fought to bring a branch campus of our State's world-class public university to the people of Chicago and the region.

The mayor's achievements were not limited to the city's skyline. He was a political leader who others, such as Presidents John F. Kennedy and Lyndon Baynes Johnson, counted on not only for support but good advice on important issues of the day.

Mayor Daley was truly a self-made man. Before he was the leader of one of the world's great cities, he was a kid from the Bridgeport neighborhood who put himself through college and law school working as a cowboy at the famous Union Stockyards. As a State legislator in the 1930s, he married a lovely young woman from Bridgeport named Eleanor ''Sis'' Guilfoyle, with whom he raised seven outstanding children, including Richard M. Daley, the current mayor of Chicago; John Daley, chairman of the Committee on Finance of the Cook County Board and Democratic Committeeman of the 11th Ward; and William Daley, former U.S. Commerce Secretary. However, Mayor and Mrs. Daley were as proud of their children who pursued careers in teaching and homemaking as they were of their sons involved in public service.

I had the honor to meet Mayor Daley once as a young man. After my father's inauguration as a Chicago alderman in 1975, our family met the mayor and Mrs. Daley at a reception. As the young Alderman Lipinski shook Mayor Daley's hand, it seemed the mayor did not recognize him, until the ever-observant and ever-gracious Sis Daley gently reminded the mayor who the gentleman in front of him was.

Like all great leaders, Richard J. Daley had his share of setbacks and critics, but his legacy was and is Chicago's reputation, the City That Works. Mr. Speaker, let us not forget this legacy on the 50th anniversary of Mayor Richard J. Daley's inauguration.

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

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

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

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

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

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

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

(Mr. LINCOLN DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## DEMOCRAT CAMPAIGN AGAINST MAJORITY LEADER

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

Mr. MCHENRY. Mr. Speaker, the Democrat leadership has led their party on a campaign against the Republican majority leader, the gentleman from Texas (Mr. DELAY), through baseless character assassinations and misleading attacks. It is time to start hearing the truth, though.

The media reported yet that the gentlewoman from Ohio (Mrs. JONES), a Democrat, disclosed in 2001 that a registered lobbyist paid for her trip to Puerto Rico, a trip the minority leader was also on, in clear violation of House rules.

On February 28, the minority leader, the gentlewoman from California (Ms. PELOSI), publicly called for an investigation by the Committee on Standards of Official Conduct of the majority leader. The gentlewoman from California (Ms. PELOSI) stated: ''These are substantive allegations,'' that must be ''fully investigated by the Ethics Committee.''

□ 1745

But so far there have been no calls for an investigation of the gentlewoman from California (Ms. PELOSI) or the gentlewoman from Ohio (Mrs. JONES) by the rest of the Democrat leadership. Is this hypocrisy? Democrats want to apply the House rules, but they do not want to apply the rules to themselves. Let us see if the Democrats really care about ethics or if they are more interested in personal attacks.

I believe these developments are further evidence that the Democrats are not interested in taking a thorough, honest look into the allegations against the gentleman from Texas (Mr. DELAY); all they want to do is obstruct the work of the House of Representatives.

Yesterday Republican leaders of the House Committee on Standards of Official Conduct agreed to impanel a formal investigation into the recent allegations regarding the majority leader, but Democrats flatly refused to allow the Committee on Standards of Official Conduct to begin the work this year.

Instead of allowing the case to be heard in an appropriate venue, an investigation by the House Committee on Standards of Official Conduct, Democrats are trying to use the media to launch a partisan, politically motivated attack against the gentleman from Texas (Mr. DELAY), the majority leader, rather than giving the gentleman from Texas an appropriate opportunity to respond.

Majority Leader DELAY has said over and over that he has done nothing wrong, and has expressed his desire to publicly present and state his case. Indeed, he wants an ethics hearing to clear his good name and to keep ethics from being used for partisan, political purposes.

Appearing before the Committee on Standards of Official Conduct is the most appropriate venue for this to happen. The refusal to even allow the case to be heard before the Committee on Standards of Official Conduct is clear evidence that the Democrat leadership is not concerned about seeing this matter reviewed. They only want to use this situation to obstruct the legislative process.

It is a move carefully designed by partisan political hacks, carefully designed to achieve nothing more than purely partisan political gain. These actions obstruct legislation that the American people want.

So far under the majority leader's leadership, Republicans have passed a comprehensive energy policy, killed the death tax for small businesses and family-owned businesses, improved America's highways by passing a transportation bill, passed tort reform, passed bankruptcy reform, and is poised to modernize and strengthen our Social Security system.

Rather than effect change through elections, they have chosen, the Democrat leadership has chosen, to use partisan attacks and a conspiracy of character assassination to destroy the reputation of one of the most successful legislative leaders in this century and in the last century and, in fact, in congressional history.

Mr. Speaker, there is nothing more unethical than falsely accusing another human being in order to destroy that person's reputation. There is nothing more unethical, there is nothing more disgraceful than falsely accusing another human being. That is what the Democrat leadership has done, that is what the minority leader and the gentleman from Maryland (Mr. HOYER) are doing. They are stonewalling the ethics process for partisan gain, and we will not stand for it.

We ask the gentlewoman from California (Ms. PELOSI) and the Democratic leadership to stop these attacks. Call off the dogs.

Mr. Speaker, we need a reasonable ethics process in this House. We need to say enough is enough when it comes to partisan political attacks. Let us move forward with the American people's agenda.

## SOCIAL SECURITY

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

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to not only address the House, but the American people, to make sure that this government stays within the realm of the responsibility that the American people have given us to come to this U.S. House of Representatives and this Congress to represent them and their needs and their family's needs.

Those great Americans that have worked their entire lives to save and be a part of the Social Security system, to make sure that we hold our promise to their well-being not only during their retirement years, but even those that are beneficiaries of those that have passed on.

The gentlewoman from California (Ms. PELOSI), the Democratic leader, has designated this hour for the 30-something Working Group. And every week we come to the floor to address not only the House, but we keep the American people up to date on what is happening regarding Social Security and the challenges they are facing with the ongoing effort not only by the President, but also by some Members on the majority side to privatize Social Security.

I can tell Members that we pride ourselves on making sure that we get not only accurate, but up-to-date information so we can share not only mainly with the Members of this Congress the importance of the reason why they need to stand up and represent their constituents.

I must say I am very pleased that a number of Democrats on this side of the aisle, and I do mean almost 110 percent, I will say there are many Democrats who are big, heavy supporters of Social Security and do not want to see it privatized. I believe we are 100 percent.

I believe, on the majority side, we have a few Members who are holding out and are saying they are not going to gamble with their constituents' future, their guaranteed retirement.

Last week we talked about the 48 million Americans that celebrate a Social Security benefit which is right

now, on average, about $955 that each Social Security beneficiary gets. That is very important because 33 million of those individuals would be under the poverty line if it was not for Social Security. So when we start looking at what is going on and the hype around the fact that Social Security is going to blow up tomorrow, I think it is important that we share the facts.

The facts are that there is not a crisis as it relates to Social Security. A crisis is something you have to respond to right now because if you do not respond to it now, it will turn into something that will be devastating to whatever the situation may be.

We do know now, in the next 47 or 50 years, we all agree that Social Security will be able to provide the benefits to the individuals that are in the program. When they reach retirement, it will be there for them. That is 100 percent for the next 47 to 50 years. I will receive 100 percent of my benefits if nothing happens to Social Security.

We know we want to look beyond that and do creative things to make sure that not only my generation, but future generations, the generation-after-next generation, that Social Security is there for them. As Democrats, we agree on the fact that we have to make sure that it is there. But to say to privatize it is the answer, it is not the answer. I cannot help but share some of the issues that are going on.

Last week we talked about the 48 million during our hour. I ran into some of my colleagues this past week. They said, We know about that 48 million, and a lot of them are in Florida and that is what you are concerned about; my State is not really affected, and the private accounts will not hurt.

I guarantee Members this, they will hurt and benefits will fall in Social Security if we go to private accounts. That is a fact.

Alan Greenspan had some interesting comments yesterday as it relates to the stock market, and if we had private accounts right now, how those individuals would have been penalized. The President said, We are going to secure and isolate. If you invest in the stock market, it is very hard to isolate your investments. When it goes under, it goes under. So to turn Wall Street into Las Vegas as it relates to folks' retirement, that may be good for a private pension plan, but it is not good for Social Security.

I pulled some of the statistics from my colleagues' States so they understand what we are saying about this issue, not just voting with the next person because they say we have to follow the leadership and privatize Social Security.

I think it is important to know in the great State of Alabama that the report as it relates to young Social Security beneficiaries, and I think this is important because a lot of folks have a misperception of the fact that Social Security is just for individuals who have retired. Right now we have 801,290 beneficiaries in Alabama: seventeen and under, 71,350; from age 18 to 39, we have 30,930; and other ages beyond that point is 699,010. Those are the numbers of Alabamians that count on Social Security. And I will say if folks want to start playing the Potomac two-step with Social Security, they need to understand that their constituents are going to end up losing versus gaining.

Another State that is important to address because we have folks that say they do not quite understand what is going on as it relates to the State of Illinois. 1.816 million individuals receive benefits right now. The number of those individuals that are over the age of 39 receiving are 1,652,030. I think it is important that people know there are a number of individuals who will be affected by this privatization plan.

I want to be able to address the Members and let it be known what we should be doing. The 30-something Working Group, when we sit down and talk about this, we talk about bipartisanship, and we talk about the fact that to come up with a Social Security forecast, Democrats and Republicans have to come together. In 1986, we know that Speaker Tip O'Neill and also Ronald Reagan came together to save Social Security, and I think it is important that we do that now.

Mr. Speaker, maybe under the circumstances we cannot do. It is not because the minority side does not want to do it, it is because the majority side does not want to do it. I think it is important that you understand that we believe in strengthening Social Security 110 percent because it is a Democratic plan. And it is a plan that Republicans voted for in 1986, not all of them, but enough to say it is a part of our Nation. I think it is important for us to realize that with the numbers we are dealing with now, as relates to Social Security, we must pay very close attention to what we are doing.

Now, the President has been flying around the country. This is not about politics because the bottom line is that the President is in his last term. So criticism that that is just some guy from Florida that is trying to hurt the President's hopes from being reelected, he cannot be reelected again. But it is important that we share accurate and good information, and it is important to make sure that every American has an opportunity to see his or her President when they come to their town or their city or their county.

Now, if the President was to come to south Florida and I was standing in line to see the President, I would not want to be pulled out of line and escorted out of the parking lot and dropped off somewhere far away from the convention center or wherever the President is going to speak because I disagree with him on Social Security.

I guess if I was not a Member of Congress, I would be escorted out. But we have accounts from throughout the country, and I happen to have one right here in front of me. Fox News, of all news organizations, criticized the President on the screening tactics that they are using.

□ 1800

One of my fine colleagues here in the House said, speaking of the President, ''Regardless of the affiliation of the individual, anybody should have the opportunity to go see the President.'' Aaron Johnson, a spokesperson for the gentlewoman from Colorado (Mrs. MUSGRAVE), ''It shouldn't be the job of anybody to make sure the crowd is 100 percent sympathetic.''

So if I had this sign and I was standing in line, Mr. Speaker, to go see the President, I guess I could not go in because I do not necessarily agree with him. That is not democracy. That is kingdom politics. I think that all Americans and also Members of this House should not condone that, especially when the President is flying around on taxpayer dollars. It is important that a democracy stays a democracy, and it is not in the Constitution. Nowhere in the Constitution does it say, It's either my way or the highway.

I think it is important, because this is an actual news account, and AP and other news organizations covered the fact that if you disagree with the President and you want to show up, you better be undercover, you better not show your hand, you better not have a bumper sticker because there are those that are watching out for those kinds of individuals that are attending these events. I think it is very unfortunate that that is happening.

That sends a perception out to the American people as though the President is talking about private accounts and some proponents on the majority side are talking about private accounts, that it is so great, that there is not an objection to it.

If I was standing in front of the precinct where I am elected to come and serve in this Congress and folks were getting out of their car with the literature of my opponent and I was to have my friends go over there and escort them down the street so they cannot vote, I would get 100 percent of the vote. So when we send this perception through that we are all together on this, it is not true. It is important, and I ask for Members to let their friends know at the White House and other places where these events are going on that it is important. And also as it relates to individuals that disagree with the President on other issues.

I think it is important, not only that the 30-something Working Group continues to do what we are doing, but we want to commend those other groups that are out there. AARP, I must add, the largest retirement organization in this country, continues to go around and raise objection as it relates to Social Security. It is working. The reason why there is not a bill here on the floor, the fact that we have other things to do, which we do, because Social Security is not a crisis. I mean,

that has not stopped some people from continuing to talk about it as though it is a Federal crisis right now. It is not. It is the fact that the American people object to the idea of privatizing their guaranteed retirement.

You heard the statistics that I read off as it relates to States of children that are beneficiaries, receiving survivor benefits. That is helping them make it through college. That is helping them make ends meet. They are a part of the 33 million that would be otherwise under the poverty line. It is important that we pay very close attention to what is going on.

In that same report, I think it is important as it relates to the President and what is going on in this one-sided deal, we have the Secret Service in Denver that told the three the next day that the bumper sticker on their car which read ''No More Blood For Oil,'' a common anti-Iraq slogan, triggered the ejection of those three individuals from the Bush rally, or the Social Security rally. I can tell you that as we start leading into this era of kingdom politics, we are going to find ourselves in more and more trouble.

I want to talk a little bit about what is guaranteed under what we are dealing with now, Mr. Speaker. Some folks say there is a great mystery of what the benefit of going into, or lack thereof, a private account and what it means. The President said, well, we are spending money to save money, $5 trillion onto the debt. There is not a $5 trillion surplus or the surplus that the President had when he came into office, but this is a $5 trillion loan. I want to just pull my deficit chart up here. As the vice chair of the Democratic Caucus, the gentleman from South Carolina (Mr. CLYBURN), has said, the only thing that you are guaranteed, Members, and your constituents are guaranteed, is the $26,296.10 that you owe right now on the debt.

That is not only for father. That is for mother, that is for child, no matter what the age of that child. A child that was just born 5 minutes ago, they already have a debt to this country, a financial debt to this country, not due to the fact of irresponsible spending on behalf of Democrats. We are not in charge of the House of Representatives. But when we were in charge of the House of Representatives, we balanced the budget. We took down the debt. We had a surplus. So to say, Yeah, it's those Democrats that are spending the money, that is not necessarily the case. As a matter of fact, we are being fiscally responsible by looking at it from the standpoint of if we are going to do something, why make the situation worse financially.

We want to deal with Social Security, but we do not want to dig into making the debt even deeper, the national debt. And the whole argument about the reason why we are privatizing or that the President wants to privatize and some Members of the other body and some Members within this body want to privatize Social Security is the fact that we have to watch out for future generations.

Let us look at that for a minute. Future generations. I am a Member of the U.S. Congress. My mother before me was a Member of the U.S. Congress. I have two young children. They are going to have a different experience than the rest of my constituents within the 17th Congressional District in Florida. Not because they are that much smarter than the rest of the 8-year-olds and the 10-year-olds in their community, but it is the fact that I am a U.S. Congressman and their mother is an outstanding lady and she is a professional and my mother was a past Congresswoman, that they are going to have a different snap at life than the next person.

But people did not elect me to have a better opportunity towards not only health care but a better opportunity as it relates to a good retirement. They did not say, That's what we're electing you for. They elected us to represent them. So we have to watch out for the future generations. A $26,000 debt and change, I must add, is not a way to help our future generations. There are a number of individuals that are graduating from college, especially those that have gone through the postgraduate experience, that are leaving on an average of $20,000 in debt, and we are adding this debt on what they are going to have to pay somehow some way in the very near future. Over 40 percent of our debt is owned by foreign interests.

I think it is important to understand, also, that this information on the debt can be found. Some people may think, Oh, you're just coming up with those numbers and you're just putting them out there. I want to make sure that the Members are aware of this. They can go on www.house.gov/budget_democrats to get this information, not only on the ticker but also letting it be known that the $26,000 and change, what they can actually print out and place somewhere on the door so that they can know exactly what we are doing to our future generations. If you can check that Web site, in 4 hours it will even be higher, the national debt.

I think it is also important to know when dealing with the $5 trillion what could happen and what we could do with that money. We talked about the fact that it is not a Federal emergency as it relates to the issue on Social Security, and it is not. But what does $5 trillion do for programs over the next 20 years? I can do an awful lot for $5 trillion. I was talking to one of my mayors recently, and I mentioned $5 trillion to him and he said, goodness gracious, we could solve a lot of the issues facing our cities, and I can probably go around to many of my friends throughout the country. With $5 trillion we can make education better, we can make infrastructure better, we can do better services for our elderly, we can make sure that our communities are more secure, and we can make sure that we have a future for many of our young people.

Let us look at $5 trillion. Pell grants. We hear a lot of discussion about Pell grants. It has helped a lot of young people and folks make it to school. Maybe they will not have that $20,000 in debt when they graduate. We know that there are a number of young people that go to school and have to return back home, not to take care of Mom and Dad; but it is the fact that they cannot go out and buy a home because they have debt. Unfortunately, many of our young people fall into that downward spiral of falling into debt and getting a bad credit rating.

We can raise the maximum Pell grant from $4,050 to $59,500. Now, 5.3 million students receive $4,050 in Pell grants. With $5 trillion, 23.7 million students would receive a $59,500 Pell grant.

I can go on and on and on, but I think it is important for us to understand what $5 trillion can do. The President and some of those proponents for private accounts want to go and borrow $5 trillion to not only take down the benefit structure but the benefits that now Americans enjoy. I think there is a majority of the Members in this Chamber, I know on the Democratic side, a supermajority on our side, and I think there are other individuals on the other side of the aisle that would say different, that we have other crises that are facing this country right now versus a crisis that is 50 years off, or could be a crisis where it would only go down to 80 percent of the benefits that we have now.

We have got to deal with the Federal debt before we start getting into saying that, Well, we know we have the highest deficit in the history of the Republic, the 109th Congress oversees that debt, let's see, let's make it worse. Let's add 5 trillion more dollars on to it. Let's really make history. Let's go further than any other Congress has gone in the light of making sure that the only guaranteed benefit out of this whole exercise will be a $26,200-and-change debt given to every American no matter what their age may be.

My colleague from Florida and a member of the 30-something Working Group and a good friend of mine, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), I am so glad you came down.

Ms. WASSERMAN SCHULTZ. Thank you so much, Congressman MEEK. We are continuing to try to educate our generation and other generations about the significantly negative impact that privatizing Social Security would have on them. As much as the President, as you have outlined, would like to lead people to believe that privatization is not going to harm people 55 and older, and there is going to be this amazing panacea, this incredible windfall for our generation and for supposedly savvy investors that are from our generation, we know differently. What we

have been trying to do as the 30-something Working Group convened by Leader PELOSI is to try to separate fact from fiction.

To follow up on some of your really excellent descriptions of what the kind of money we are talking about really means for people, you just talked about $5 trillion and what $5 trillion, which is what the President's privatization proposal would cost and add to the deficit in the next 20 years, what that would mean, what we could do with $5 trillion instead of ballooning the deficit.

I was just elected. I am a freshman Member of the Congress. We have had an opportunity to work together over the years. I am still definitely in learning mode, and I have got a learning curve. One of the things that I have noticed in my learning curve is that when you go from being in the State legislature like we were where you are dealing with billions of dollars, with a B, to the Congress, when you are dealing with trillions, with a T, it is hard for anyone, Members of Congress, Members of State legislatures and average citizens to really grasp what that kind of money is. No one deals with trillions of dollars. The current budget deficit is more than $7 trillion. It is $7.7 trillion.

□ 1815

And what the gentleman just described, the President's privatization proposal would add another $5 trillion to that.

So let us just take the $7.7 trillion that is included in the projected deficit now and try to help people get their minds around what that is. If we took $7.7 trillion and can pile enough $1 bills, and there are actually people that figure these things out, on top of one another, it would reach the moon and back.

The Moon is 93 million miles away from here. I am pretty sure that is right, 93 million miles away from here. So that is two stacks of $1 bills that would reach the moon, and that is how much our deficit is.

We would still have almost $6.5 billion left over. With that money, after traveling to the moon and back, we could make 1,329 stacks of $1 bills that would reach up into the stratosphere, however high that would go.

There is a really instructive Web site that the Department of Treasury has, and I think it would be helpful for people to know what that Web site is. It gives what the current deficit is, and it also gives what is each American's share of that deficit. It is a ticker and it is constantly changing. But that Web site is www.house.gov/budget_democrats. And they can get access to the U.S. Treasury Department's Web page with that information; if they sign on to that Web site, it will link them right to that information.

The national debt as of April 21 is $7,782,705,281,978.34. We could really improve the quality of people's lives with that kind of money.

And the direction that this country has been going in is really disturbing. When I go home and talk to the people that live in my community in Broward and Miami-Dade Counties, and we represent both of the same counties in South Florida, it does not matter whether I talk to people who consider themselves conservative, people who consider themselves moderate, people who consider themselves liberal. After the events of the last few weeks and the concerns that people have over the deficit, their share of it, this privatization plan which the President is suggesting would pull the safety net of Social Security out from under people.

People are really starting to say just hold it a second, we need to get this train back on the tracks and start going in the direction that most people are comfortable with.

And I think we really need to start encouraging people, as we have been doing, to raise their voices to help get that train back on the tracks, because it is moving so far to the right even for people who consider themselves on the right, even people like that are coming up to me and telling me they are disturbed. So I just wanted to share that illustration with people.

We have talked often about the impact that privatization has had, and we had been on a break and we were not able to spend time during our 30-something hour. We did not have a 30-something hour last week because of votes.

So I think it is important, and I am not sure if the gentleman already talked about it, the impact that privatization would have on different categories of people. Particularly as the 30-something Group, we want to explain how it would hurt young people and working families.

The cost of privatization would just explode the national debt, which we have been talking about, but what it means beyond exploding the national debt is that people who collect Social Security would literally experience a 46 percent cut in their benefits.

There has been this portrayal by the President on his 60-day tour of the country to try to sell this plan, which I know the gentleman outlined and talked about, how they restrict access to their town hall meetings and we let anybody come and we are willing to take on the people who stand up and actually ask questions that are not the same as the position that we take in our town hall meetings.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, that is what a democracy is all about. And I hope that the President disabused himself of escorting Americans out, taxpaying Americans that want to hear what he has to say.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman would continue to yield, it is really unbelievable.

I met with representatives of the Egyptian Government today, and they were talking to me about the democratic reforms that they are making and being more inclusive and involving their public in the role that government has. And I just cannot even imagine what kind of example the President is setting to burgeoning democracies and democracies that are trying to become even more democratic.

I mean, if the President of the greatest democracy in world does not feel that the right thing to do is to let anyone into a town hall meeting whether or not they agree with him, then that really sends a terrible message.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the real issue is that the President would like to put the perception out there of roaring crowds, saying, ''We love you. We appreciate what you are doing. Thank God you are saving Social Security by privatizing accounts even though my benefit level is going to go down.'' And anyone that objects to that, they are going to see the parking lot.

Ms. WASSERMAN SHULTZ. People have seen the parking lot.

Mr. MEEK of Florida. They will not even see the inside because they will take those individuals out of line.

Like I said, if anyone were to show up with this, just as an American, freedom of speech, and the Supreme Court is right across the street, ''Hands off of my Social Security,'' they are a goner. They are out of there. They are taking them, ''Excuse me, sir, ma'am, we need to take you over here.''

Ms. WASSERMAN SCHULTZ. I think they made it pretty clear how they feel about the courts.

Mr. MEEK of Florida. That is another special order, Mr. Speaker. This is democracy we are talking about.

I am a member of the Committee on Armed Services. We have men and women, several thousand, that are fighting against this kind of thing. And we have to make sure that we give very little to others to point to and say, ''See, you are telling me to do something, but you are not doing it.''

And if someone is the President of the United States, they can pretty much say, if someone has a T-shirt, if someone has a sign, if someone is standing in line and they say, ''I disagree with the President and I want to hear what he says, but I do not think we need to privatize Social Security.'' Or to go in and then come out and talk to the media or talk to anyone, they have the right to do that.

This is not a private event. This is paid for by the taxes that the gentlewoman pays, I pay, and all of our constituents pay. So if our tax dollars are going to work against us because we disagree, and we are right to disagree, it is insane.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, what I have noticed is that this President treats democracy as an inconvenience. He treats democracy as if what it means is ''I am going to listen to you when you agree with me and I am going to apply democratic principles when I can surround myself with people who tell me what I want to hear.'' And that is just the worst message we could possibly be sending.

When the gentleman and I listened to the State of the Union and we listened to the Inaugural Address, both of which included a treatise on the President's desire to help spread democracy around the world, I really think that the greatest democracy in the world and the leader of that democracy should be setting an example at home. And I think that that is what we expect parents to do.

We ask parents to set examples for their children, and we tell parents that they cannot expect their children to behave any better than they do. And I do not know how the President could expect democracies or burgeoning democracies around the world to behave any better than he does.

There are a couple other things I wanted to highlight for people about the impact of the privatization plan because we got on our soap box for a little while.

Mr. MEEK of Florida. Rightfully so. I am glad I am a Member of the Congress and no one can walk in here and escort me out. I mean, right now they cannot.

But I am glad. I am glad that that is the case because I would be kind of concerned if I were standing outside at one of the stops that the President was making and we were having this conversation. We may very well be asked to spend some time in the parking lot because we cannot go in.

Ms. WASSERMAN SCHULTZ. Absolutely, Mr. Speaker. And that is because they do not want the facts to go out. Because if light is shed on their proposal, if they are forced to face their accusers, so to speak, if they are forced to respond to people who have the facts, their facts just do not hold up under the sheen of light.

So what I started to say a few minutes ago was what his proposal does is, and like I said, I call it a proposal, but I should say his vague outlines of a proposal, he has promoted across the country the concept or the belief that private accounts would be a windfall and has led people to believe that they would both be able to have the money in their private accounts as well as their Social Security benefits, and that is not the case. There would be a commensurate cut in Social Security benefits, about 46 percent, commensurate in proportion to the amount in someone's private account.

An average 20-year-old, over their 20-year retirement, would lose about $152,000 in Social Security benefits under the vague outlines of the President's proposal.

Let us take disability insurance and survivor benefits, because I am not sure if the gentleman talked about that before I got here; but Social Security provides disability insurance for young families. There is no private insurance plan that could compete with the disability benefits provided by Social Security. For a worker in her mid-20s who has a spouse and her two children, and there are millions of those across this country, Social Security provides the equivalent of a $350,000 disability policy. Most people, especially a young widow with two children, cannot afford to go out and buy a policy on the private market like that. It would just not be available to her.

Suppose, God forbid, there is a young parent who suddenly dies. Social Security provides for the children who are left behind. Social Security provides survivors benefits. Survivor benefits replace as much as 80 percent of the earnings for a 20-year-old average-wage worker who dies leaving two young children and a spouse. For that parent, Social Security survivor benefits are equivalent to a $403,000 life insurance policy.

That is what it means when we talk about what privatization would do to young families. That is real. That would be gone, that benefit. Because when it comes to disability and survivor benefits, privatization does not apply because there is no income being generated. One has to have income in order to have a private account. People who are disabled and people who are widows and widowers do not have that income coming in by its very nature.

Mr. MEEK of Florida. Mr. Speaker, the thing about it is that Democrats, Republicans, Independents, white, black, Asian, name it, are part of the 48 million Americans that are receiving benefits right now. And this issue is not only in districts on the Democratic side of the aisle, but on the Republican side of the aisle. And I will tell the Members this will not hold.

Now, it is not all doom and gloom because, guess what. Thank God the Democratic leadership is saying we do not want to increase the debt to go on a scheme of a $500 trillion over the next 20 years cost for individuals to have to pay more on the debt and also for individuals to lose some of their benefits.

And the bad thing about what the President and some Members on the majority side, the Republican side, are proposing is the fact that they are saying that, yes, it will go up and down but over time private accounts will win. Guess what. If one is in a private account or they opt to be in a private account from the Social Security philosophy, and I must add if I said ''plan,'' I want to take that back, philosophy that the majority side has and that the President is talking about, they are going to lose, too. They are going to lose some of their benefits, too, and I think it is important that people understand that.

Also, let us just put it this way: Some people may say what is the Democratic plan? I will say what is the Republican plan? Where is it? What Web site can I go to? Is someone coming to my office with some sort of bound copy? Maybe I need to come to my office to find out if something came since I have been here on the floor. Where is the bill?

□ 1830

Well, there is a hearing that is going to take place on Capitol Hill. Guess what? There are over 200 hearings that take place in every Congress. They do not all result in legislation. I am hoping that in that hearing, if someone wants to do something, or the majority side wants to work with the minority side, because I do know that the gentlewoman from California (Leader PELOSI), I know that the gentleman from Maryland (Whip HOYER), and our caucus chairman and vice chairman and others in leadership would love to sit down. The gentleman from New York (Mr. RANGEL) is always saying, my door is open, I am ready to go. Let us talk about this thing.

But let me just say this, because I think it is important. The Democratic plan is already in 48 million wallets of Americans that have Social Security benefits. That is the Democratic plan. Hello? That is the Democratic plan. So the Democratic plan is to make sure that we do not add more to the $26,000 that every American already owes the Federal Government, the highest deficit in the history of the Republic. The Democratic plan is to fight to bring that number down and to go into surplus where we were before this administration got in.

That is the Democratic plan.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if I could jump in here for a second.

Mr. MEEK of Florida. Of course. I was looking for my little note here, because I wanted to remind Members but also the American people. Please add to this. There is just so much, we do not know what to share. We have so many other plans as Democrats.

Ms. WASSERMAN SCHULTZ. That is why we spend an hour on this every week, because there is plenty of information to disseminate. I sit on the Committee on Financial Services, and I have an opportunity to interact with people on the New York Stock Exchange and Chairman Greenspan, who testified before our committee, and representatives of the Mercantile Exchange and the Board of Trade and all of the exchanges. One of the things that I got out of those meetings that was clear and that has been written about in the last few days is, let us remember what the foundation of this whole privatization is built on. It is built on the stock market. It is built on stocks and bonds.

Now, last week, we had one of the most significant drops in the market in over 2 years. The Dow Jones Industrial Average has fallen more than 9 percent in the last 6 weeks, including a drop of 115 points, or 1.1 percent, on Wednesday. Now, I do not know if most Americans are going to want to throw their retirement security to the whims of the stock market. There are two words in the name of this program: social and security. This proposal removes and decimates the concept of ''security'' in Social Security. It would be social insecurity, because there would be no ability to ensure that future retirees would have that investment there for

them when they retired, because we have fluctuations in the market.

Mr. MEEK of Florida. Mr. Speaker, I see the gentleman from California (Chairman DREIER) wants us to yield for a minute here, so I yield to the chairman.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I am preparing to make some remarks myself about Middle East policy in just a few minutes. But when I heard about this drop in the Dow, I just wanted to state for the record, and my colleagues may not have heard it today, that the largest gain in the Dow Jones industrial average took place today, the largest gain in 2 years, and the largest gain in about 9 months in the NASDAQ. So I just wanted to say that, for the record we had an over-200 point gain in the Dow today. How it fluctuates, I think that is just an important point I wanted to make.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, that is an important point, and I appreciate the gentleman making that point.

But the point is that from one day to the next, we had a 200-point swing. Now, is that what people are going to be comfortable with in terms of their retirement security, in terms of ensuring that they have at least a minimum amount of money available for them when they retire? Because, for example, 20 percent of single retired women, most of whom are widows, the only source of their income is their Social Security. Now, if we invest it in the stock market and privatize Social Security, what are we going to do for those women when their nest egg that they banked on is not there because of fluctuations like the one that the gentleman from California (Mr. DREIER) just referred to? I just wonder.

Mr. MEEK of Florida. Well, that is important, and that is what happens when we start talking about investing private accounts in a private system; we may say publicly traded or whatever the case may be. But I think it is important to understand that what is guaranteed also is the $940 billion to Wall Street that is guaranteed in the proposal or the philosophy that individuals have, somewhere around that number.

Now, I do not have a problem with investments, this, that, and the other; but Social Security, like the gentlewoman said, and her definition is Webster's definition; it is not a DEBBIE WASSERMAN SCHULTZ's definition.

But let me say, what is interesting here, Mr. Speaker, that we must pay very close attention to is that there are some very fine Members of this Chamber that came to this Congress and we were here late one night in the 108th Congress and talked about, well, this will be the number as it relates to the medicare prescription drug issue. We have a number; this is how much it will cost Americans. And some folks ran around here on the floor and gave emotional speeches about how we have to get prescription drugs to the people, and it is too high, and this, that, and the other; and I have another editorial on that.

But we were told by the administration that it will only be $350 billion. I mean, that is a big number. That is all it will be, so you do not need to be worried about it. Even though we are borrowing that too, that is all it will be. Later, I was looking, while the gentlewoman was talking, I was looking through my notes, because that is the reason why democracy has to play a role here. Bipartisanship has to be a part of this debate. If bipartisanship was a part of the debate, maybe we would not have been shocked later to find out that it would be $400 billion.

Did it stop there? Well, sure enough, after the bill was passed, it jumped up to $530 billion. Now we are being told, now, just recently, just a month ago, we are being told that it will be $724 billion. This is real money. Meanwhile, community development block grants are being cut. Meanwhile, we are saying that, well, we are going to provide certain cuts here, certain cuts there, a trade bill here.

Where is my credit card? We are getting the opportunity to pull out the U.S. Treasury credit card here and say, well, that is fine, let us just put it on the credit card; it is okay.

We talk a little bit about responsibility within the family. I mean, my mom, when I used to be in college and say, Hey, I need some money. Oh, just put it on a credit card, it will be okay. She did not say that. She said, Either you cannot do it because you do not have the money, or you need to be able to generate the money to do it. Now, let me tell my colleagues something. I think they are doing both. They are generating the money, but they are generating it from the credit card.

Now, some may say, well, he is just talking. By the rules of this House, if our leadership had the ability within the rules, we definitely have the will, but within the rules, if we can call a committee meeting and call some of these individuals out of why we are continuing to borrow and spend, borrow and spend, borrow and spend. And I am a Democrat. So when folks start talking about the definition of the tax and spend, well, that is something that the majority side says, because that is not reality. The Democratic Congress balanced the budget, I say to the gentlewoman, and the Democratic Congress, along with many of the caucuses within this side of the Chamber, works day in and day out to talk about the Federal debt and the irresponsible spending, if we want to talk about future generations.

The last point I want to make on this particular subject, I am going to pick up where I left off as it relates to what is the Democratic plan. Well, the Democratic plan is $555 on average benefit to 48 million Americans that receive Social Security today. The Democratic plan keeps Social Security solvent for the next 50 years. That is the Democratic plan. The Democratic plan is making sure that we do not see, under the philosophy that the majority has, the 46 percent decrease in benefits as it relates to the cuts that will happen over time. The Democratic plan is making sure that the monthly average benefit does not fall down to $516. That is the Democratic plan. The democratic plan is to make sure that we work in a bipartisan way with the majority if we want to approach this issue of Social Security. And the Democratic plan is to also get out the truth of the fact that this is not a crisis.

Ms. WASSERMAN SCHULTZ. That is right.

Mr. MEEK of Florida. So that is the reason why some of the Members even on the majority side are saying no can do: I am not going to disrupt my constituents and their way of life and add on to the party numbers of my district, because it is not right. And if it is not right, I do not care if you fly around for 160 days. It is not going to change as long as you are talking about gambling with the Social Security and the security of folks' retirement.

So I can tell my colleague right now, I look forward to the day that Americans say, enough is enough, and that we do not have to speak from the position of saying, well, we are informing you; we will be actually doing it if we were in control of this House, and that is what the debate is about. It is about not only sharing with the Members that if they get into this whole issue of believing the hype on the privatization of Social Security and folks start losing benefits, they are making a career decision. They do not want to be in Congress, because I can tell my colleague right now, when folks say, listen, I do not know what I have been doing; maybe I have been voting politics over principle. Maybe I need to get back to voting principle over politics. Well, they say that the guy that was running against the other guy or the young lady, that they are tax and spend. Well, you know, the evidence does not necessarily add up to be that way.

So I love to talk about the Democratic and the bipartisan proposal that went down in this Chamber in 1986 and even before then. That was bipartisanship. Even though a supermajority, all Democrats voted for it, some Republicans voted for it when Ronald Reagan was in the White House, and we made it happen. It is just that simple.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentleman is absolutely right. We have to right the ship of state. I mean, it is keeling over right now. It is going to fall from the weight of the debt. I mean, why the Republican majority here will not listen to Chairman Greenspan when he expresses again and again, as recently as this week, again and again he has warned us about the danger of the increasing deficits.

The leadership here is just ignoring it. It is like they hope that if they ignore the problem long enough, maybe it will go away. Maybe they will wake up, just like my kids hope that the next day something that happened that they did not like the day before will not be true when they wake up, like so many of us do. But the worst nightmare is that when something bad happens, when you wake up the next day, you cannot make it go away just by a night's sleep or ignoring it. It does not work that way. We have to be responsible. That is the whole way we need to deal with this Social Security problem. Problem, not crisis.

We have a problem, but we need to be responsible and take the time that we need to address the problem and do it right. We did not create this problem overnight, and there is no miracle solution; there is no instantaneous solution to this problem. The President has already acknowledged that privatization does not even solve the problem. We need to make sure that we get privatization off the table so we can all sit down together, just like they did in 1983, and find a bipartisan solution that we can all be comfortable with, or at least that the majority can be comfortable with, because we will probably not get everybody. But the majority is willing to come to the table, it is just that the President needs to let go of an untenable proposal that the vast majority of the people do not support. It is time to let it go, Mr. President.

Mr. MEEK of Florida. Mr. Speaker, the gentlewoman is right. We say this to make sure that the Members and also the American people understand 110 percent what we are dealing with here. We could have both been halfway home by now; but we have taken the opportunity because this is a pivotal time in history as we start looking at Social Security the way it is now and the way that it could be in the future.

I read those medicare prescription drug estimates that were given to us officially in this House to serve as an example of the misinformation that takes place under this dome and the misinformation that is given to Americans. I talk a lot about the Potomac two-step, but when it comes down to Social Security and you have one out of six Americans that depends on this thing as it relates to the 48 million that is out there, you cannot help but think that if you are serving in a body where the discussion is taking place, not only in the halls, but in the newspapers, you cannot help but say in the future, when folks look back and they say, well, what happened in the 109th Congress and what role did you play to stop it?

□ 1845

I am proud to say, boldly and with a chestful of air, the fact that the Democratic leadership and Members that sit on this side of the Chamber are sleeping with their fists balled up ready to use any tool verbally possible and power-wise to be able to educate and to be able to have town hall meetings with some 300, well now 400-plus town hall meetings that have taken place on this side of the aisle.

And I can tell you that if someone showed up and said that they support privatization, they can come in the town hall meeting. They are not saying, okay, you need to go over here and you need to wait outside, because you are going to ask a question that we do not want to answer right now.

We are saying, bring it on. We want to answer those questions because we have the prima facie evidence to show that what the President is talking about is not necessarily going to benefit Social Security as we see it today. So we fight for those individuals that have sent us up here to deal with that.

Last point, and Congresswoman, we have about 3 minutes left. I want to close. I want you to make your closing comments, then we will yield back our time. But, it is important that we keep up the fight. And I want to commend some of my Members on the Republican side of this aisle that are saying, no, I am not going to vote to privatize Social Security.

I want to let them know that as a Member of this House, I commend them for that, but the American people have a role to play too. They have to hold us accountable. If they do not hold us accountable, then the question will be asked of them, what were you doing when all of this was happening? Did you call your Congressman or -woman? Were you involved? Did you write? Did you do op-eds to the editor? What did you do?

Ms. WASSERMAN SCHULTZ. I agree with you. I am ready to stand and fight and make sure that the security remains in Social Security.

And, you know, just to close my portion of this out, the illustrative thing that I want to leave people with is we are both under 40; that is why we are here. Our generation, my friends, your friends, most of them when we chat with them when we are out to dinner, and we ask them whether they think Social Security is likely to be there for them when they retire, it is almost universal that the answer is no.

In 37 years, 36 years, let us say 2041, we are going to be 74 years old. You and I are 3 weeks apart. And I am 3 weeks younger, I might add. We are going to be 74 years old.

Now, when I learned that, I was amazed because I really was one of those people. Social Security will be there, even if we do nothing, which is not what we are advocating. We are advocating take a little slower approach. Let us make sure that we keep the security in Social Security.

In 46 years, the outlying date for which insolvency is less likely to occur, we will be 84 years old. Now, that is well within the number of years, 20 years after retirement, that we can ensure that Social Security will be there for us.

What we have to do is we have to stand with our feet firmly planted on the ground and say you have taken this country this far, no further.

Mr. MEEK of Florida. Yes, you are right. And Congresswoman, I am going to thank you for being an active Member within the 30-something Working Group and all the input, even when we are not on the floor in the discussion that we have on this issue.

Mr. Speaker, I want to make sure that Members are fully informed about the fact that Leader PELOSI is out doing what she is doing. She will be speaking at Columbia University next Tuesday to young people on the issue of Social Security in New York. It is important that we continue to share this information.

## SUPPORT FOR THE IRAQI PEOPLE

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

Mr. DREIER. Mr. Speaker, let me say that I again thank both of my colleagues earlier for yielding to me. And I would invite them to stay and participate if they would like, and I will be happy to yield to them at any point.

I know it is now 10 minutes of 7:00 and you would probably like to go. I would be happy to yield to my friends.

Mr. MEEK of Florida. We always appreciate your love and appreciation. Anytime we come before the Rules Committee, we would love to have our amendments passed in your committee.

So I would just say that and then humbly walk out of the Chamber.

Mr. DREIER. I am happy to say to my friend, the gentleman from Florida (Mr. MEEK), that as you know, we were particularly proud of the work product we have had over the last 2 days. Of the 30 amendments that were made in order, we saw 22 of those amendments made in order offered by colleagues on your side of the aisle.

And we continue to try to do everything we possibly can to ensure a free-flowing debate on a wide range of issues. And obviously the existence of these Special Orders does create an opportunity to do just that. I thank you all very much for being here.

Mr. Speaker, I have taken this time out this evening to talk about a very important mission which took place over the Easter District Work Period with a number of our colleagues. And I am very pleased to be joined here in the Chamber by my very good friend, the gentleman from Georgia (Mr. GINGREY), who was a member of this delegation.

It also included, this was a rules committee trip, it included the vice-chairman of the Rules Committee, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART); the chairman of the ethics committee who is also a member of the Rules Committee, the gentleman

from Washington (Mr. HASTINGS); and our friend from Ft. Lauderdale, we had three Floridians actually, the gentleman from Florida (Mr. HASTINGS of Florida); and we had another Floridian, as I said, the gentleman from Florida (Mr. CRENSHAW).

So this 6–Member delegation specifically went during a 12-day period, during that district work period to the Middle East. We went to a grand total of eight countries plus the Palestinian territories.

And on this trip, Mr. Speaker, we were able to go into Iraq and visit the different regions in Iraq. We went to Fallujah, the Shiia area. We went into Baghdad, the Sunni area, and then we went to Kirkuk in the north which is the Kurdish area.

And we had a chance to visit with our troops. We had a chance to meet with people who have been able to be among those 8½ million Iraqis who on January 30 of this year, for the first time in half a century, participated in free and fair elections. And we were able to see the struggle that is going on.

Now, of course we continue to get tragic news from Iraq. This morning we got the report of 12 people who were tragically killed, a contract helicopter went down. We have had a number of our Marines killed in recent days.

Just this past week, a very good friend who worked with my chief of staff, Brad Smith, who was in Iraq during the month of January last year, she was a relief worker there, was tragically killed. So, Mr. Speaker, we continue to have very, very tragic news that has come from Iraq. And we regularly see reports of these tragedies.

But the thing that was so incredible for this delegation, and I know repeatedly for colleagues of mine who have had the chance to go to Iraq, is that it has shocked many, including yours truly, someone who was a strong supporter of the President, but believed that maybe looking at the January 30 elections, it might not have happened just right, so we might have considered delaying that election.

Well, thank God President Bush and Prime Minister Blair and other international leaders, and leaders in Iraq, it was a mixed view in Iraq, but thank God that they went ahead and insisted on holding that election. Because they had a 58.5 percent turnout, as I said 8½ million Iraqis finally exercising the right to begin the process in this election of the 275-member transitional national assembly.

And they elected this national assembly. They have put together a government within the past couple of weeks. And we in our meetings had the chance to meet with the now new prime minister; he had not been selected by the transitional national assembly at the time, Ibrahim Jaffari.

We met with the interim prime minister, who is no longer prime minister, but was just for the third time yesterday a target of an assassination attempt, that being Iyad Allawi, the man who delivered a phenomenal address to a joint session of Congress here. And we, as I said a moment ago, also got to see many of our troops, the courageous men and women in uniform.

And as I said, Mr. GINGREY is here with us on the House floor, but our entire delegation had the chance to stand before a large group of Marines led by my very good friend, Colonel Mike Shupp, who was there and was one of the key leaders in last November's battle of Fallujah, and to see the dedication and the resolve of our men and women in uniform is something that is inspiring to all of us.

Mr. Speaker, to me, one of the most amazing things from having witnessed what we did in Iraq, is that we found President George W. Bush was absolutely right. He was absolutely right when he referred to the fact that by encouraging the effort to rid the Iraqi people of Saddam Hussein and move in the direction of free and fair elections, which, remember, many skeptics all over the world, including here in the United States, said could never happen, how in the world could the Iraqi people actually choose their own leaders?

Well, the fact that President Bush insisted on doing that, he was right when he said that the example that we will see in Iraq will spread throughout the region. Well, I have to admit I was not quite as sanguine as he about this. I, of course, as everyone did, hoped that this would be the case, but I did not have the degree of certainty that President Bush obviously had.

And I am so gratified that President Bush was absolutely right. And I am able to provide this report, because along with visiting Iraq, this great example that we have now seen based on what took place on January 30, we have seen in country after country, people indicating, leaders indicating that movements towards political pluralism, the rule of law, the development of very important democratic institutions is on the move. It is on the move today.

Now, on this trip, as I said, as well as visiting Iraq, we went to Egypt. And in Egypt we had a wide range of meetings with leaders in that country, including the new prime minister, who for the past 8 months has served as prime minister, Prime Minister Nazif. And he referred to the fact that under President Mubarak a decision has been made to actually modify what is called article 76 of the Egyptian Constitution. That is an interesting irony that it is article 76, because we all know what an important number that is in this history of the United States of America: 1776, the year that we declared our independence.

But the change in article 76 in Egypt created an opportunity for President Mubarak to establish a chance for multi-candidate elections for the first time in Egypt. We know that there have been very bold, wonderful dynamic and strong military leaders in Egypt, Gamal Abdel Nasser, who was obviously a very, very strong leader.

The world remembers in the early 1980s when that dynamic very, very, very bright leader, Anwar Sadat, who had been a leader in the region, was brutally assassinated, and now we for the last 2 decades have seen Hozni Mubarak as president. All of those people, all of those people military leaders in Egypt.

But, when we met with Prime Minister Nazif, he made it clear to us that the country is now moving for the first time ever towards multi-candidate elections, that, again, a very encouraging sign for us. He in fact went to the extreme of saying they today regularly have to violate the Constitution of Egypt, it is understood that they have to violate the Constitution of Egypt. Why? Because he described it as a socialist constitution, the constitution which was obviously wrought out of the era of the Soviet Union; and it is a constitution which clearly needs to be rewritten, as they acknowledged to us, and it is something that clearly will take place.

He also, this is Prime Minister Nazif, referred to the fact that bold moves towards economic liberalization are taking place. In fact, one of the things that struck us was the fact that in Egypt they have just reduced the top rate, the top corporate tax rate from 42 percent to 22 percent, knowing that that is very important towards encouraging economic growth.

□ 1900

They also are looking for their comparative advantage economically. What is it that they are doing in Egypt?

We had the chance, my friend, the gentleman from Georgia (Mr. GINGREY) and I and the rest of our delegation, to visit something known as the Smart Village where many of the high tech companies that are based here in the United States have established new operations. In fact, the great leader of Microsoft, Bill Gates, had dedicated a Microsoft facility in this Smart Village just outside Cairo, Egypt. And so we, I believe, saw many, many great things come from that visit.

We also visited with the defense minister. It was very impressive to see this individual, who is obviously a strong military leader, indicate when asked the question, what would it be like, would it be possible for a nonmilitary leader to actually be elected president of Egypt? And his response was, if the people of Egypt elect a nonmilitary leader, so be it; that is the way it will be. Another sign that was very, very encouraging in that country.

We also had the chance to visit Jordan. In Jordan we met with the deputy prime minister who is providing great leadership in the area of economic and political reform in the country. But we also had a chance to meet with King Abdullah II. And we know that he has worked diligently to try to bring about a resolution to the Israeli-Palestinian question.

He, as a Western-educated individual, is someone who has worked a lot to provide leadership on human rights issues for all in the Middle East. And in our meeting he referred to the fact that Jordan at that moment was not in the forefront of political liberalization in the region. He said to us that in 6 months we will be in touch and he assured us that Jordan will, in fact, be in the forefront.

And I was happy to see that just a week or two ago he removed over half of his cabinet and is obviously on the road towards creating the kind of political liberalization to go hand in hand with the very important economic liberalization that he has already pursued. We have been part of that, of course, by virtue of our having established a U.S.-Jordan free trade agreement. So we are very, very excited to see the things that took place there and are continuing to take place there.

We also had the chance to visit Israel and the Palestinian territories. Mr. Speaker, we all know what a challenge that has been for years and years and years, and we have seen attempts made to try and bring about a resolution. We happen to be in the Knesset just as they completed the vote on what was called disengagement. It was a referendum on the government and it has to do specifically with the disengagement, the removal of 3,000 settlers from Gaza. And it was a vote that by a two-to-one margin, nearly two-to-one margin prevailed for the Sharon government and an indication that great steps are being made towards the resolution of the Israeli-Palestinian issue.

We also went to Ramallah in the Palestinian territories and met with a number of the leaders there, Hanan Ashrawi, a woman who has been one of the great proponents of women's rights and a leader in the Palestinian area. We met with the opponents of Mahmoud Abbas, Mr. Barghouti, and we talked about the challenges that exist in the relationship and the fact that on January 9 of this year 1 million Palestinians participated, following the death of Yasser Arafat, in this free and fair election, which is again an indication that we are seeing great progress made in that region.

One of the most moving experiences we had, of course, was when we went to Beirut, Lebanon. And in going to Lebanon, Mr. Speaker, we were literally there on the heels of the tremendous uprising that we saw take place, probably 6 weeks ago at this point, when on one occasion a quarter of a million young people and other Lebanese gathered in what is now known as Martyr Square. And on another occasion a million people gathered in Martyr Square. Why? To protest the fact that for 3 long decades the Syrians have basically thrust themselves into and controlled Lebanon. And we know that there has been great civil strife in Lebanon in the past, but we have witnessed the Syrian involvement which has been so extraordinarily great in that area.

Well, we stood at the graveside site of Rafik Hariri, who tragically was assassinated and we stood with students who said to us that they felt as if they had been in jail. And they said, We are in the process of breaking from this jail and we today are willing to give our lives to ensure that the people of Lebanon will be free of Syrian control.

They were inspired by a couple of factors. The efforts that the United States and the Coalition forces put together to allow the opportunity for the people of Iraq to be free of Saddam Hussein and to see 8.5 million of them participate in their election, coupled with again, the tragic assassination of the revered former Prime Minister, Rafik Hariri. These events led to this huge uprising.

I am very happy to report that this afternoon, or this morning, I met with the deputy chief of mission, our deputy chief of mission in Beirut. He was here in town, Chris Murray, and he talked about the reports that we have seen about 95 percent of the Syrian forces including the intelligence operation, along with the military leaving Lebanon, and he felt very strongly that by the end of April we will see all of the Syrian forces out of Lebanon.

The law calls for an election to be held by the 31st of May. And we were there encouraging that election to take place. We are happy to get the report that every indication that we have is that the elections in Lebanon will, in fact, take place. And it was a great experience, a wonderful one, and very inspiring to see these courageous human beings.

We met with opposition members of parliament who were there, including a man called Mr. Hamadeh, who 6 months ago was nearly killed, and you could still see the burns on his face from a terrorist attack that he had suffered. But he was willing to stand up for the cause of freedom in this country. Mrs. Mouawad, who is the widow of a former prime minister who, in 1991, had been assassinated, and a wide range of very dynamic leaders who are looking forward to a strong future in Lebanon.

Now, one of the questions that exists is the commitment of the United States and the international community for the future of Lebanon because it is clear that over the past several few decades we have had a mixed record there in dealing with encouragement of support for the people of Lebanon. And I am very happy to say that this administration and the United States Congress will stand proudly with the people of Lebanon as they pursue this goal of greater self-determination, free of Syrian control.

Mr. Speaker, it is important to note that this is all in the interest of our national security. This is all in the interest of the national security of the United States of America. President Bush has said time and time again, democratically elected leaders in countries do not attack others. If we can see more democracy take place throughout the world, it is obvious that we will diminish the kind of threat that has existed for the United States of America.

As we encourage economic growth in country after country, I am convinced that we will see a diminution in the attraction that many young people, who are hungry, have towards international terrorism. In fact, I remember talking to a number of people who said if we had a percentage point or two of economic growth in Pakistan and Afghanistan, we might have avoided what took place on September 11 because many of the people who were involved in terrorism are seeking economic opportunity in so doing.

Not all. I am not so naive as to believe that all are, but many people are attracted because they have nothing else to do and no economic opportunity.

So as we encourage the economic and political liberalization that is taking place today in the region, it clearly will play a big role in focusing on stability in that long troubled part of the world; and at the same time it will play a big role in ensuring our national security and the security of the neighbors throughout that area.

Now, as I said, I was joined on this trip by five of my colleagues, and it is after 7 o'clock and we finished a very long night last night working on the energy bill. We finally completed that this afternoon. I am very happy to be joined by a distinguished member of the House Committee on Rules, who was a very important part of this delegation.

Mr. Speaker, I would like to yield to my friend from Marietta, Georgia (Mr. GINGREY) at this time.

Mr. GINGREY. Mr. Speaker, I thank the gentleman chairman for yielding to me.

As he mentioned at the outset of his remarks, I was one of a group of six Members primarily from the Committee on Rules, we affectionately called it CODEL Dreier, and we had an opportunity really to visit these 8 countries and the Palestinian West Bank as well. But I think more than anything else what we did in visiting those countries is to let the people in the Middle East, and this was almost exclusively a Middle Eastern trip, to let them know that we are their friends, to let them know that we are willing to reach out and to help solve the myriad problems in the Middle East. Mr. Speaker, there is no question that there are plenty of them.

We are of course continuing to try to help the Iraqi people as they build their own government and stand up their military so they can defend themselves. They want democracy. They have had a taste of it. So at these many places that we stopped you could see it just sort of blossoming, blooming. And they seemed very, very appreciative that we would meet and listen.

We did a whole lot of listening, Mr. Speaker; we did a little bit of talking.

We had some formal sessions, but mainly I think it was a great experience for us, but it was a great experience for them as well, as I say, to see Members of Congress.

It is not the easiest place in the world to get to. It is certainly not what you would call a vacation paradise, like some folks would go on spring break down to Panama City or some of the beautiful beaches in our country. It was not anything at all like that, of course.

But on one of the last days of our trip, Mr. Speaker, we were actually on the island of Cyprus and had an opportunity there to visit what they call the Green Zone. It is a separation, demarcation, almost like the DMZ, frozen in time since the uprisings between the Greek Cypriots and the Turkish Cypriots in 1974, I think.

But we discussed that separation, that division, the fact that they had recently had a referendum where one side, the north, the Turks were very much in favor of unification per the Kofi Annan plan from the United Nations. And the Greek Cypriots were, I think, 70 percent voted in opposition to that. But we had an opportunity to visit, to sit down, and just right across the table from the President of Cyprus, President Papadopoulos.

And as the chairman said, we also had an opportunity to meet with the Turkish Cypriot leader and let them know that we are concerned and we care about what is going on with that, I guess you could call it the ''Gateway to the Middle East.''

□ 1915

So there were so many things like that, almost like each day was another opportunity, and certainly, not the least of which as the Chairman has just pointed out, the time we spent in Lebanon and visiting that grave site of former Prime Minister Hariri and the poignant, very sad, but most important, opportunity to meet and talk with his widow. I thought that was a unique opportunity for the group and I appreciate the gentleman from California (Chairman DREIER) for arranging that.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I would say to my friend, if we look at what it is that so many of these young people, in Lebanon especially, stood for, there clearly was, as I was saying, a direct correlation between what is taking place in Iraq and what it is that we are now seeing take place there; the idea of seeing in country after country people saying if they can do it, then we can, too.

Now, Lebanon is a nation that has had a long history of democracy. It has been a tradition there for many, many, many decades, but obviously, when they have struggled with this control from Bashar al-Asad and Syria for such a long period of time and his father before that, Hafiz al-Asad, we need to do everything we can, and the United States played a big role in leading in the United Nations Security Council the passage of Resolution 1559 which called for the complete withdrawal of Syrian forces.

I will never forget just looking into the eyes of these young people who were there saying, We are willing to die to make sure that the people of Lebanon can be free of the kind of tyranny that has been inflicted on us. Of course, we have continued to see terrorist attack after terrorist attack. Just a couple of days before we were there, there was a huge explosion in the printing factory the Saturday before we went in, and we decided it was very important for us to go anyway so that we could encourage these people and let them know that the international community stands behind them today and this immediate struggle but will be with them for the long pull as they do move towards these elections.

One of the things that I am very happy about is that we in the Congress have just played a role in helping in Lebanon, and it will be in other countries, with the establishment of a new commission, the Democracy Advisory Commission, that we are going to have that will provide a chance for Members of the United States House of Representatives to directly work with our counterparts and newly-elected parliaments in other parts of the world, and obviously, Lebanon will, I believe, be a very important part of that as they begin this rebuilding effort.

Mr. GINGREY. Mr. Speaker, if the chairman would yield for a minute, there was certainly an opportunity to meet with those students in Beirut. Actually, they were in a tent city and had been there protesting the Syrian involvement in Lebanon, and they came up to us. It was fairly early in the day. They probably just came out of the tents where their living conditions were not so great. They were unshaven, but as the Chairman pointed out, just to look in their eyes, just to look in that deep feeling that we could see, it just came through, loud and clear. They care so much to have democracy and freedom: freedom of speech, freedom of the opportunity to vote, and freedom from outside interference with their country. The Lebanese are very proud, proud people, as the chairman pointed out, and that was a very important moment for me.

Mr. DREIER. Mr. Speaker, I think it is also important to note that on this trip we also had an opportunity, as we were coming back, to stop and report to our counterparts in the European parliament as we went to Brussels, Belgium. Actually, I spoke about this the other day here on the House floor, Mr. Speaker, when I introduced a resolution calling for negotiations for a U.S.-EU free trade agreement.

One of the things that we have found is we were reporting to European parliaments about the importance of this, the developments that we are seeing in the region, and they were very encouraged. Of course, a number of these countries had been strong opponents, very strong opponents to our effort that had taken place in the Middle East and in Iraq.

I will never forget the dinner that we had in Brussels when a socialist member of the European parliament from Lisbon, Portugal, stood up, and he was proud to be a socialist. We obviously disagreed on a wide range of issues, but what he said was that in watching both the inaugural address and the State of the Union message delivered by President Bush, in which he talked about the struggle for freedom in Iraq and other parts of the world, that he had never been more proud to hear a statement from a President of the United States, and he had never been in such strong agreement or as inspired by a statement of the President of the United States as he was by the statement from President Bush. In that meeting that we had in Brussels, we were able to get into a number of very important issues with the Europeans that impact the United States.

First and foremost, and one of the main reasons that I wanted to stop in Brussels to meet with members of the European commission and European parliamentarians was that we wanted to ensure that we would not see the European Union lift the arms embargo on the sale of weapons to the People's Republic of China. I have been very gratified and I know it was not just our effort because President Bush and Secretary of State Condoleezza Rice had very successful trips. The President had one trip. Secretary of State Rice has had three trips to Europe since she has become Secretary of State, talking about the need to ensure that there is not a lifting of the arms embargo. I am happy to see that since we were there and since these other efforts have been put into place that our European allies have decided not to lift the arms embargo on the transfer of these weapons.

We have other trade disputes that exist over the issue of Airbus, some other measures that were put into place by the Europeans, and it is my hope that we can begin negotiations on a European Union-U.S. free trade agreement that will allow us to address many of these concerns that are understandable and have been there.

Mr. Speaker, I would be happy to further yield.

Mr. GINGREY. Mr. Speaker, as the gentleman will recall, as the chairman led this delegation, as he just mentioned, in Brussels, that opportunity to meet with the European commission and the EU, as well as visit NATO, which was a very good experience, but we took an opportunity to let the European Union know, as the gentleman from California (Chairman DREIER) pointed out, how strongly we do feel about being in opposition to them lifting that arms embargo, particularly in light of the fact that in just a very recent session of their people's Congress, they voted unanimously an anti-secession law which basically says that it is

illegal for the Republic of China, Taiwan as we know it, to leave their country and they are still part of the mainland, according to this law.

So we wanted to make sure, and I think the chairman did an excellent job in his one-on-one discussion with several leading members of the European commission, of how important it was to us for stability in that region, for stability in the Middle East. I mean, I think that was, of all of the diplomatic things that we were able to accomplish, and there were many on this 10-day trip, but I thought that was real significant.

Mr. DREIER. Well, I thank my friend for his contribution. I want to say that he was very helpful in that effort as well.

Mr. Speaker, I would just like to say that as we look at where we are headed in the future, it seems to me that we have gotten to the point where there is an understanding that freedom, economic freedom and political freedom, are interdependent. We need to do everything that we can to encourage people to choose their own leaders, to live under the rule of law, and at the same time, we need to encourage economic opportunity for people all over the world.

One of the things that we have learned from this trip that we took is that it is a God-given right and it is something that everyone aspires to. The arrogance that has existed in the past, believing that somehow, some people may not be educated enough or have an understanding or they may be tied to some tribe or some other entity, and so the notion of thinking that they might be able to play a role in choosing their own leaders is extraordinary arrogance on the part of people who hold that view, because I believe that every single person on the face of the earth should have that opportunity to be able to choose their own leaders, to be able to seek economic opportunity for themselves.

Mr. GINGREY. Mr. Speaker, if the chairman would yield, this is such an important point that the chairman is making, and I hope my colleagues are listening because that reaching out, as I have said earlier, that is so important. I do not think anybody could do it any better than the gentleman from California (Chairman DREIER), and this delegation showed them that we are very much willing to open our arms and our hearts and our support of the people in the Middle East in realizing, as the chairman pointed out, that they want to grasp hold to a little measure of that peace and liberty that, quite honestly, people in our country, Members of Congress as well, sort of fall into the trap of taking that for granted. It is not something to be for granted when we go to these countries, and we realize that they only have a very small measure of it. So I thought that was extremely beneficial.

Mr. DREIER. Mr. Speaker, the gentleman is absolutely right, and when one thinks about the lives that have been lost, the more than 1,500 lives that have been lost in Iraq, the lives lost in Afghanistan and the American lives lost throughout history, and of course, the coalition forces in our entire struggle in the global war on terror, all of this that has taken place is geared towards ensuring the safety and security of the American people, and that, again, it is in our interest to encourage and pursue these kinds of developments.

So I would like to just close by expressing my appreciation to my friend from Marietta who not only went on the trip but stayed into Thursday evening for us to have a chance to talk about this important mission, but I also want to express my appreciation to all of our colleagues who took time out from this traditional district work period to make sure that we continue to pursue and encourage the cause of freedom and stability throughout the world.

So I thank my friend for his participation, and I thank our colleagues and I thank the American people, Mr. Speaker, for the strong support that they have provided in our quest to ensure that we win this global war on terror and expand political pluralism and freedom for peoples throughout the world.

## 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.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MELANCON, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, April 26 and 27.

Mr. FEENEY, for 5 minutes, today.

Mr. DAVIS of Kentucky, for 5 minutes, today.

Mr. WILSON of South Carolina, for 5 minutes, today.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 167. An act to provide for the protection of intellectual property rights, and for other purposes.

## ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, April 25, 2005, at noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1709. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Establishment of Continuing Assessment Rate and Reporting Requirements [Docket No. FV04-983-2 FR] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1710. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Citrus Canker; Quarantined Areas [Docket No. 05-005-1] received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1711. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins [Docket No. 02-088-4] (RIN: 0579-AB47) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1712. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Community Reinvestment Act Regulations (RIN: 3064-AC82); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 05-XX] (RIN: 1557-AC86), Office of Thrift Supervision [No. 2005-06] (RIN: 1550-AB91); Federal Reserve System [Regulation BB; Docket No. R-1205] received April 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1713. A letter from the Legal Advisor/Chief, Wireless Telecom. Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 22 of the Commission's Rules To Benefit the Consumers of Air-Ground Telecommunications Services [WT Docket No. 03-103] Biennial Regulatory Review — Amendment of Parts 1, 22, and 90 of the Commission's Rules; Amendment of Parts 1 and 22 of the Commission's Rules To Adopt Competitive Bidding Rules for Commercial and General Aviation Air — Ground Radiotelephone Service [WT Docket No. 05-42] Application of Verizon Airfone Inc. for Renewal of 800 MHz Air-Ground Radiotelephone License, Call Sign KNKG804 (File No. 0001716212) Received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1714. A letter from the Director, Regulations Policy and Management Staff, FDA, Health and Human Services, transmitting the Department's final rule — Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Correction [Docket No. 2002N-0277] received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1715. A letter from the Director, Regulations Policy and Management Staff, FDA, Health and Human Services, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No. 2000N-1596] received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1716. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2004 Missile Technology Control Regime Plenary Agreements; Additions to the Entity List; Revisions to the Missile Catch-All Controls [Docket No. 050218043-5043-01] (RIN: 0694-AD42) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1717. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's final rule — Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations (RIN: 3209-AA00) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1718. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Revisions to General Permit Procedures (RIN: 1018-AC57) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1719. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 032305B] received April 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1720. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 031505B] received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1721. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Hyrdaulic and Electric Brake Systems [Docket No. NHTSA-04-19892] (RIN: 2127-AI63) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1722. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Important Restrictions Imposed on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador [CBP Dec. 05-10] (RIN: 1505-AB56) received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1723. A letter from the Assistant Secretary of Employment and Training, Department of Labor, transmitting the Department's final rule — Training and Employment Guidance Letters 2-03, Change 1-Alternative Trade Adjustment Assistance (ATAA) for Older Workers Questions and Answers, and Change 2-Requests for Certification Under the Alternative Trade Adjustment Assistance (ATAA) Program for Certain Worker Groups Covered by Certified TAA Petitions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1724. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2005-16) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1725. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Expanded Authority for Cross-Program Recovery of Benefit Overpayments [Regulatinos No. 4, 8, and 16] (RIN: 0960-AG06) received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 741. A bill to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission; with an amendment. (Rept. 109–50). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 748. A bill to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes; with an amendment (Rept. 109–51). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANZULLO: Committee on Small Business. House Resolution 22. Resolution expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights; with amendments (Rept. 109–52). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NORWOOD (for himself, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. LINDER, Mr. GARRETT of New Jersey, Mr. AKIN, and Mr. BURTON of Indiana):

H.R. 1748. A bill to require labor organizations to guarentee members the opportunity to vote on contracts prior to work stoppage; to the Committee on Education and the Workforce.

By Mr. OTTER (for himself, Mr. CARDOZA, Mr. DUNCAN, Mr. SIMPSON, Mr. NORWOOD, Mr. LEWIS of Kentucky, Mr. TERRY, Mr. HOSTETTLER, Mr. DOOLITTLE, Mr. KUHL of New York, Mr. PETERSON of Minnesota, Mr. CANNON, Miss MCMORRIS, Mr. OSBORNE, Mr. GOODLATTE, Mr. BERRY, Mr. BAKER, Mr. WICKER, Mr. HASTINGS of Washington, Mr. WALDEN of Oregon, Mr. SULLIVAN, Mr. BOUSTANY, Mr. REHBERG, Mr. POMBO, Mr. HOLDEN, Mr. LUCAS, Mr. TAYLOR of Mississippi, Mr. TAYLOR of North Carolina, Mr. BISHOP of Georgia, and Mr. SALAZAR):

H.R. 1749. A bill to amend the Federal Water Pollution Control Act to affirm that a permit is not required in certain circumstances, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT:

H.R. 1750. A bill to establish a Grand Canyon hydrogen-powered transportation research, development, and demonstration program; to the Committee on Science.

By Mr. GOHMERT (for himself and Mr. WEINER):

H.R. 1751. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary.

By Mr. ADERHOLT:

H.R. 1752. A bill to suspend temporarily the duty on Polyethylene HE2591; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1753. A bill to provide financial assistance to law school graduates who choose to accept employment in a public interest position; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1754. A bill to ensure that interest accrues on overdue child support payments, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1755. A bill to amend the Social Security Act to require that anticipated child support be held in trust on the sale or refinancing of certain real property of an obligated parent; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1756. A bill to amend the Internal Revenue Code of 1986 to make the Hope and Lifetime Learning Credits refundable, and to allow taxpayers to obtain short-term student loans by using the future refund of such credits as collateral for the loans; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1757. A bill to provide that a person who brings a product liability action in a Federal or State court for injuries sustained from a product that is not in compliance with a voluntary or mandatory standard issued by the Consumer Product Safety Commission may recover treble damages, and for other purposes; to the Committee on the Judiciary, 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. ANDREWS:

H.R. 1758. A bill to amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes; to the Committee on the Judiciary, 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. ANDREWS:

H.R. 1759. A bill to amend title 38, United States Code, to authorize the use of educational assistance under the Montgomery GI Bill to pay Federal student loans; to the Committee on Veterans' Affairs, 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 Ms. BALDWIN (for herself, Mr. OBEY, Mr. SENSENBRENNER, Mr. PETRI, Mr. KIND, Mr. GREEN of Wisconsin, Ms. MOORE of Wisconsin, and Mr. RYAN of Wisconsin):

H.R. 1760. A bill to designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the ''Robert M. La Follette, Sr. Post Office Building''; to the Committee on Government Reform.

By Mr. BECERRA (for himself, Mr. RANGEL, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Mr. ABERCROMBIE, Mr. OWENS, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Ms. KILPATRICK of Michigan, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. KUCINICH, Mr. MCDERMOTT, and Ms. SOLIS):

H.R. 1761. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to coordinate the threshold requirement for coverage of domestic employees under Social Security with the amount required for a quarter of coverage; to the Committee on Ways and Means.

By Mr. CANTOR (for himself, Mrs. JOHNSON of Connecticut, Mr. JINDAL, and Mr. FEENEY):

H.R. 1762. A bill to amend the Internal Revenue Code of 1986 to allow look-through treatment of payments between related foreign corporations; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Mr. GREEN of Wisconsin, and Mr. GOHMERT):

H.R. 1763. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. CUMMINGS (for himself, Mr. OWENS, Mr. BISHOP of Georgia, Mr. CONYERS, and Mrs. MCCARTHY):

H.R. 1764. A bill to authorize the Secretary of Education to make grants to States to establish statewide screening programs for children who are 5 to 7 years of age to prevent reading failure; to the Committee on Education and the Workforce.

By Mr. TOM DAVIS of Virginia (for himself, Mr. PORTER, Mr. HOYER, Mr. LEWIS of Kentucky, Mr. MCHUGH, Mr. WOLF, Mr. ALEXANDER, Mr. PUTNAM, Mr. RUPPERSBERGER, Mrs. JO ANN DAVIS of Virginia, Mr. SANDERS, Mr. PAYNE, Mr. VAN HOLLEN, Mr. ALLEN, Mr. CUMMINGS, Mr. FARR, Mr. PALLONE, Mr. MORAN of Virginia, Mr. OWENS, Mr. TIERNEY, Mr. WAXMAN, Mr. WEXLER, Mr. WYNN, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. NORTON, Mr. RUSH, Mr. WEINER, Mr. CONYERS, Mrs. MALONEY, Ms. WATSON, Mr. MCDERMOTT, and Mr. BROWN of Ohio):

H.R. 1765. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees under Federal student loan repayment programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 1766. A bill to amend the Internal Revenue Code of 1986 to simplify the determination and deduction of interest on qualified education loans; to the Committee on Ways and Means.

By Mr. FORD (for himself, Mr. KENNEDY of Rhode Island, and Mr. ENGLISH of Pennsylvania):

H.R. 1767. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself and Mr. CROWLEY):

H.R. 1768. A bill to amend the provision of law establishing the Presidential 9/11 Heroes Medals of Valor to make certain technical corrections to carry out the intent of the provision; to the Committee on Financial Services.

By Mr. FOSSELLA:

H.R. 1769. A bill to authorize a national memorial to commemorate the final resting place of those lost at the World Trade Center on September 11, 2001, and for other purposes; to the Committee on Resources.

By Mr. GALLEGLY:

H.R. 1770. A bill to require employers at critical infrastructure sites to participate in the pilot program for employment eligibility verification, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. HINOJOSA, Mr. CUELLAR, Mr. ORTIZ, Mr. REYES, and Mr. DOGGETT):

H.R. 1771. A bill to amend the Internal Revenue Code of 1986 to clarify that a NADBank guarantee is not considered a Federal guarantee for purposes of determining the tax-exempt status of bonds; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. GIBBONS, Mr. DREIER, Mr. PAUL, Mr. WILSON of South Carolina, Mr. ENGLISH of Pennsylvania, and Mr. OTTER):

H.R. 1772. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of the maximum capital gains rate for individuals; to the Committee on Ways and Means.

By Ms. HERSETH (for herself, Mr. FALEOMAVAEGA, Mr. EVANS, Mr. MICHAUD, Mr. REYES, Ms. BERKLEY, Mr. UDALL of New Mexico, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. SANDERS, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. CASE, Mr. PALLONE, Mr. OBERSTAR, and Mr. BOOZMAN):

H.R. 1773. A bill to amend title 38, United States Code, to make permanent the Native American Veteran Housing Loan Program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HINCHEY (for himself, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BARROW, Mr. BARTLETT of Maryland, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CASE, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. COOPER, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. EMANUEL, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIRK, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MARSHALL, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. REYES, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 1774. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Mr. HULSHOF:

H.R. 1775. A bill to suspend temporarily the duty on Thiacloprid; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself, Mr. FEENEY, Mr. HENSARLING, Mr. MCHENRY, Mr. BARRETT of South Carolina, Mr. FRANKS of Arizona, and Mrs. NORTHUP):

H.R. 1776. A bill to reform Social Security by establishing a Personal Social Security Savings Program and to provide new limitations on the Federal Budget; to the Committee on Ways and Means, and in addition to the Committees on the Budget, 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. HULSHOF:

H.R. 1777. A bill to suspend temporarily the duty on Pyrimethanil; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1778. A bill to suspend temporarily the duty on Foramsulfuron; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1779. A bill to suspend temporarily the duty on Fenamidone; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1780. A bill to suspend temporarily the duty on Cyclanilide Technical; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1781. A bill to suspend temporarily the duty on para-Benzoquinone; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1782. A bill to suspend temporarily the duty on palmitic acid; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1783. A bill to suspend temporarily the duty on Anisidine; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1784. A bill to suspend temporarily the duty on Tetrakis; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1785. A bill to suspend temporarily the duty on 2,4-Xylidine; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1786. A bill to suspend temporarily the duty on Crotonaldehyde; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1787. A bill to suspend temporarily the duty on t-Butyl acrylate; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1788. A bill to suspend temporarily the duty on propyl gallate; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mr. RAMSTAD):

H.R. 1789. A bill to educate health professionals concerning substance use disorders and addiction; to the Committee on Energy and Commerce.

By Mr. KLINE (for himself, Mr. PAUL, Mr. KENNEDY of Minnesota, Mr. SAM JOHNSON of Texas, Mrs. EMERSON, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. LATOURETTE, Mr. SOUDER, Mr. GUTKNECHT, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. LEWIS of Kentucky, Mr. HOSTETTLER, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. BOEHNER):

H.R. 1790. A bill to protect children and their parents from being coerced into administering a controlled substance or a psychotropic drug in order to attend school, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEWIS of Kentucky (for himself, Mr. CHANDLER, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. DAVIS of Kentucky, Mr. TANNER, Mr. HENSARLING, Mr. JENKINS, Mr. SIMMONS, Mr. TERRY, Mrs. JO ANN DAVIS of Virginia, Mr. PETRI, Mr. NEY, Mr. KENNEDY of Minnesota, Mr. MILLER of Florida, Mr. COBLE, Mr. DOYLE, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. BONILLA, Mr. FOLEY, Mr. PAUL, Mr. RADANOVICH, Mr. BOEHNER, Mr. SESSIONS, Mr. SHAW, Mr. TOWNS, Mr. CARDOZA, Mr. CUNNINGHAM, Mr. HASTINGS of Washington, Mr. ROGERS of Michigan, and Mr. CULBERSON):

H.R. 1791. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself and Mr. KENNEDY of Rhode Island):

H.R. 1792. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2006 through 2010 for nutrition services for older individuals; to the Committee on Education and the Workforce.

By Ms. ZOE LOFGREN of California (for herself, Mr. CUNNINGHAM, Mr. MCGOVERN, Mr. EHLERS, Mr. HOLT, Mr. BUTTERFIELD, Ms. BALDWIN, and Mr. HONDA):

H.R. 1793. A bill to promote fusion energy development in the United States; to the Committee on Science.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. WEINER, Mr. OWENS, and Mrs. MCCARTHY):

H.R. 1794. A bill to direct the Secretary of Homeland Security to procure the development and provision of improved and up-to-date communications equipment for the New York City Fire Department, including radios; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. OWENS, Mr. ISRAEL, and Mr. SERRANO):

H.R. 1795. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, to authorize assistance under that program for losses related to the terrorist attacks of September 11, 2001, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Ms. BORDALLO, Mr. BOSWELL, Mr. BERRY, and Mr. SABO):

H.R. 1796. A bill to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes; to the Committee on Resources.

By Miss MCMORRIS (for herself, Mr. DICKS, and Mr. KILDEE):

H.R. 1797. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Resources.

By Mr. PALLONE:

H.R. 1798. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Resources.

By Mr. PETERSON of Pennsylvania:

H.R. 1799. A bill to extend the duty suspension on ORGASOL polyamide powders; to the Committee on Ways and Means.

By Mr. PETRI:

H.R. 1800. A bill to provide for the establishment and maintenance of personal Social Security investment accounts under the Social Security system; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. ETHERIDGE, Mr. MCINTYRE, Mr. WATT, Mr. BERRY, Mr. HINCHEY, Mr. MCDERMOTT, Mr. OWENS, Mr. PAYNE, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. CHANDLER, Mr. STRICKLAND, and Mr. MILLER of North Carolina):

H.R. 1801. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public schools; to the Committee on Education and the Workforce.

By Mr. REHBERG:

H.R. 1802. A bill to amend the Tariff Act of 1930 with respect to the marking of imported live bovine animals; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 1803. A bill to amend the Internal Revenue Code of 1986 to allow amounts in a health flexible spending arrangement that are unused during a plan year to be carried over to subsequent plan years or deposited into certain health or retirement plans; to the Committee on Ways and Means.

By Mr. RYUN of Kansas (for himself, Mr. GARRETT of New Jersey, Mr. BAKER, Mr. HENSARLING, Mr. GRAVES, Mr. TIAHRT, Mr. KENNEDY of Minnesota, and Mr. EVERETT):

H.R. 1804. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself and Mr. MCHUGH):

H.R. 1805. A bill to establish the position of Northern Border Coordinator in the Department of Homeland Security; to the Committee on Homeland Security.

By Mr. STRICKLAND (for himself, Mr. KING of New York, Mr. HOLDEN, and Mr. KENNEDY of Rhode Island):

H.R. 1806. A bill to require prisons and other correctional facilities holding Federal prisoners under a contract with the Federal Government to make the same information available to the public that Federal prisons and correctional facilities are required to do by law; to the Committee on the Judiciary.

By Ms. VELÁZQUEZ (for herself, Mr. GUTIERREZ, Ms. LEE, Mr. OWENS, and Mr. CROWLEY):

H.R. 1807. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WALDEN of Oregon (for himself and Mr. DAVIS of Florida):

H.R. 1808. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a uniform certification standard for Internet pharmacies and to prohibit Internet pharmacies from engaging in certain advertising activities, to prohibit the use of certain bank instruments for purchases associated with illegal Internet pharmacies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on 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. WELDON of Florida:

H.R. 1809. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits to increase the age at which distributions must commence from certain retirement plans from 70 1/2 to 80; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 1810. A bill to expand Alaska Native contracting of Federal land management functions and activities and to promote hiring of Alaska Natives by the Federal Government within the State of Alaska, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 1811. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans; to the Committee on Resources.

By Mr. TANCREDO (for himself, Mr. BARTLETT of Maryland, and Mr. JONES of North Carolina):

H.J. Res. 43. A joint resolution proposing an amendment to the Constitution of the United States to establish English as the official language of the United States; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself, Mr. BILIRAKIS, Mrs. MALONEY, Mr. MCGOVERN, and Ms. WATSON):

H. Con. Res. 137. Concurrent resolution expressing the sense of the Congress regarding Turkey's claims of sovereignty over islands and islets in the Aegean Sea; to the Committee on International Relations.

By Mr. FOSSELLA:

H. Con. Res. 138. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring famous Staten Island-born 19th Century Hudson River Painter Jasper Francis Cropsey, and 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. NEY:

H. Res. 224. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress; to the Committee on House Administration.

By Ms. JACKSON-LEE of Texas (for herself, Mr. BURTON of Indiana, Mr. LANTOS, Ms. BERKLEY, Mrs. JONES of Ohio, Mr. CLYBURN, Mr. SHIMKUS, Mr. WELDON of Florida, Mr. BARTON of Texas, Ms. NORTON, and Mr. HASTINGS of Florida):

H. Res. 225. A resolution recognizing the historic steps India and Pakistan have taken toward achieving bilateral peace; to the Committee on International Relations.

By Ms. BALDWIN (for herself, Mr. OBEY, Mr. SENSENBRENNER, Mr. PETRI, Mr. KIND, Mr. GREEN of Wisconsin, Ms. MOORE of Wisconsin, and Mr. RYAN of Wisconsin):

H. Res. 226. A resolution honoring the life and legacy of Robert ''Fighting Bob'' La Follette, Sr; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself, Mr. FALEOMAVAEGA, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. JINDAL, Mr. MENENDEZ, Mr. LANTOS, Mr. MCNULTY, Ms. WATSON, Mr. CROWLEY, Mr. PALLONE, Mr. CANNON, Mrs. BLACKBURN, Mrs. CAPITO, Mr. CHOCOLA, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of California, Mr. SWEENEY, Mr. RENZI, Mr. FRANKS of Arizona, Mr. SOUDER, Mrs. MILLER of Michigan, Ms. FOXX, Mr. WAXMAN, Mr. BERMAN, Mr. WYNN, Ms. LORETTA SANCHEZ of California, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. TURNER, Mr. HOLT, Mr. SHAYS, Mr. MORAN of Virginia, Mr. CHANDLER, Ms. ZOE LOFGREN of California, Mr. COX, Mr. PORTER, Mr. NEY, Mr. SMITH of New Jersey, Mrs. CAPPS, Mr. KNOLLENBERG, Mr. MURPHY, Mr. MCKEON, Mr. DUNCAN, Mr. GIBBONS, Mr. PEARCE, Mr. WELLER, Mrs. BONO, Mr. SHUSTER, Mr. HYDE, Mr. BONILLA, Mr. WALDEN of Oregon, Mr. FOLEY, Mr. PLATTS, and Mr. ISSA):

H. Res. 227. A resolution recognizing and honoring the contributions of Indian Americans to economic innovation and society generally; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Ms. ZOE LOFGREN of California, Ms. LORETTA SANCHEZ of California, Mr. SMITH of New Jersey, Mr. BECERRA, Ms. SOLIS, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. FILNER, Mr. FARR, Mr. AKIN, Ms. WOOLSEY, Mr. EDWARDS, Mr. HONDA, Mr. MORAN of Virginia, Mr. WOLF, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. BERMAN):

H. Res. 228. A resolution observing the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam; to the Committee on International Relations.

By Ms. MCCOLLUM of Minnesota (for herself and Ms. WATSON):

H. Res. 229. A resolution supporting the people of the Togolese Republic in their desire for free, fair, and open elections and the establishment of a democratic, representative government; to the Committee on International Relations.

By Mr. ROSS:

H. Res. 230. A resolution to express the sense of the House of Representatives that the Federal Communications Commission should reconsider and revise rules governing broadband over power line systems based on a comprehensive evaluation of the interference potential of those systems to public safety services and other licensed radio services; to the Committee on Energy and Commerce.

By Mr. RUSH (for himself and Mr. WHITFIELD):

H. Res. 231. A resolution recognizing and celebrating the life and accomplishments of the great African American jockey Jimmy ''Wink'' Winkfield and the significant contributions and excellence of other African American jockeys and trainers in the sport of horse racing and the history of the Kentucky Derby; to the Committee on Government Reform.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. COLE of Oklahoma and Mr. UDALL of Colorado.

H.R. 19: Mr. SESSIONS.

H.R. 98: Mr. GARY G. MILLER of California.

H.R. 128: Mr. MCINTYRE, Mr. EMANUEL, Mr. BOEHLERT, Mr. CLEAVER, Mr. LIPINSKI, Mr. GERLACH, Mr. CLAY, Mr. DAVIS of Alabama, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, Ms. MCKINNEY, Mr. SCOTT of Virginia, Ms. WATSON, Mr. WATT, Mr. FITZPATRICK of Pennsylvania, Mr. RUPPERSBERGER, Mr. HOLT, and Mrs. MALONEY.

H.R. 134: Mrs. JONES of Ohio and Mr. WEINER.

H.R. 193: Mr. GUTIERREZ, Mr. SCHIFF, Ms. WATSON, Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. SOLIS, Ms. ZOE LOFGREN of California, and Ms. MILLENDER-MCDONALD.

H.R. 209: Ms. LEE.

H.R. 239: Mr. BARRETT of South Carolina, Mr. GARRETT of New Jersey, Mr. CONAWAY, and Mr. EHLERS.

H.R. 282: Mr. PUTNAM, Mrs. NORTHUP, Mr. KING of Iowa, Mr. BARROW, and Miss MCMORRIS.

H.R. 283: Mr. KILDEE, Mr. PAYNE, Mr. CUMMINGS, Mr. TOWNS, Mr. GRIJALVA, and Mr. GONZALEZ.

H.R. 297: Mr. UDALL of Colorado and Mr. CARDIN.

H.R. 302: Mr. RUPPERSBERGER, Mr. LANTOS, and Mr. SHERMAN.

H.R. 303: Mr. HIGGINS, Ms. BALDWIN, Mr. SHERMAN, and Mr. TIERNEY.

H.R. 305: Mr. OTTER, Mr. RAMSTAD, Mr. NORWOOD, Mr. COLE of Oklahoma, Mr. PRICE of Georgia, Mr. HOEKSTRA, and Mr. BURTON of Indiana.

H.R. 311: Mr. MILLER of North Carolina, Mr. HIGGINS, Mr. PRICE of North Carolina, Ms. MATSUI, Mrs. CHRISTENSEN, Mr. PALLONE, Mr. SCHIFF, Mr. CHANDLER, and Mr. ROTHMAN.

H.R. 312: Mr. MURPHY, Mr. NORWOOD, Mr. COOPER, Mr. CASE, and Mr. MOORE of Kansas.

H.R. 328: Mr. BISHOP of Georgia and Mr. PASTOR.

H.R. 341: Mr. ROGERS of Kentucky, Mr. KUHL of New York, and Mr. SCHWARZ of Michigan.

H.R. 371: Mr. PLATTS.

H.R. 408: Mr. SHERMAN.

H.R. 414: Mr. FRANK of Massachusetts, Mr. TIBERI, Mr. TERRY, and Mrs. WILSON of New Mexico.

H.R. 415: Mr. MCCOTTER, Mr. MCGOVERN, Mr. BRADLEY of New Hampshire, Mr. TERRY, Mrs. WILSON of New Mexico, Mr. HYDE, and Mr. WHITFIELD.

H.R. 500: Mr. PUTNAM, Mr. TIAHRT, Mr. CHOCOLA, Mr. SODREL, Mr. HAYES, Mr. BRADY of Texas, Mr. SHADEGG, Mr. CONAWAY, Mrs. MYRICK, Mr. SULLIVAN, Mr. KELLER, and Mr. PRICE of Georgia.

H.R. 515: Mr. LIPINSKI.

H.R. 535: Ms. LORETTA SANCHEZ of California.

H.R. 554: Mr. ISSA and Mr. DANIEL E. LUNGREN of California.

H.R. 581: Mr. LAHOOD.

H.R. 586: Mr. CALVERT, Mr. SIMPSON, and Mr. SHIMKUS.

H.R. 631: Mr. PASTOR.

H.R. 633: Ms. MOORE of Wisconsin.

H.R. 659: Mr. UDALL of New Mexico.

H.R. 668: Ms. SLAUGHTER.

H.R. 669: Mr. STUPAK and Ms. LINDA T. SÁNCHEZ of California.

H.R. 670: Mr. KIND and Mr. PORTER.

H.R. 687: Mr. HOLDEN.

H.R. 699: Mr. BOYD, Ms. WATSON, Mr. SCHWARZ of Michigan, Mr. UDALL of Colorado, Mr. INSLEE, Mr. SIMPSON, Mr. MCDERMOTT, Mr. WALDEN of Oregon, Mr. DICKS, Mr. RANGEL, Ms. HERSETH, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. BUTTERFIELD.

H.R. 719: Mr. PRICE of North Carolina and Mr. PASTOR.

H.R. 745: Mr. JONES of North Carolina.

H.R. 747: Mr. KIND, Mr. FORD, and Mr. PAYNE.

H.R. 748: Mr. SCHWARZ of Michigan.

H.R. 759: Ms. LINDA T. SÁNCHEZ of California.

H.R. 771: Ms. SCHAKOWSKY, Mr. JONES of North Carolina, Mr. GENE GREEN of Texas, and Mr. CARDOZA.

H.R. 783: Mr. DAVIS of Illinois, Mr. FERGUSON, Mr. PALLONE, Mr. PASCRELL, and Mr. PAUL.

H.R. 792: Mr. KUHL of New York.

H.R. 800: Mr. FORBES.

H.R. 808: Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mrs. CAPPS, Mr. DAVIS of Illinois, Mr. HAYES, Mr. KILDEE, Mr. LAHOOD, Mr. LANTOS, Mrs. LOWEY, Mrs. MALONEY, Mr. MCDERMOTT, Mr. PORTER, Mr. ROSS, Mr. Salazar, Mr. SANDERS, Mr. SCHWARZ of Michigan, Mr. UDALL of New Mexico, Mr. WILSON of South Carolina, Mr. EMANUEL, and Mr. NEUGEBAUER.

H.R. 827: Mr. GILLMOR.

H.R. 838: Mr. STUPAK.

H.R. 880: Mr. CASE.

H.R. 887: Mr. SOUDER.

H.R. 897: Mr. LEWIS of Kentucky and Mr. LATOURETTE.

H.R. 925: Mr. ROYCE and Mr. CULBERSON.

H.R. 930: Mr. FORBES.

H.R. 939: Mr. BRADY of Pennsylvania.

H.R. 944: Mr. PALLONE, Mr. RANGEL, and Mr. PRICE of North Carolina.

H.R. 948: Mr. ISRAEL.

H.R. 952: Mr. PRICE of North Carolina.

H.R. 968: Mr. UDALL of New Mexico, Mr. MOORE of Kansas, Mr. SCHWARZ of Michigan, Mr. GUTIERREZ, Mr. MCKEON, Mr. BARROW, Mr. CARDOZA, Mr. COSTELLO, Mr. JACKSON of Illinois, and Mr. MORAN of Kansas.

H.R. 977: Mr. PAUL, Mr. GARRETT of New Jersey, Mr. OTTER, Mr. WILSON of South Carolina, Mr. WICKER, and Mr. KUHL of New York.

H.R. 978: Mr. PAUL, Mr. GARRETT of New Jersey, Mr. OTTER, Mr. WILSON of South

Carolina, Mr. WICKER, and Mr. KUHL of New York.

H.R. 979: Mr. PAUL, Mr. GARRETT of New Jersey, Mr. OTTER, Mr. WILSON of South Carolina, Mr. WICKER, and Mr. KUHL of New York.

H.R. 980: Mr. PAUL, Mr. GARRETT of New Jersey, Mr. OTTER, Mr. WILSON of South Carolina, Mr. WICKER, and Mr. KUHL of New York.

H.R. 981: Mr. PAUL, Mr. GARRETT of New Jersey, Mr. OTTER, Mr. WILSON of South Carolina, Mr. WICKER, and Mr. KUHL of New York.

H.R. 985: Mr. GILCHREST, Mr. BOEHNER, Mrs. MALONEY, Mr. PRICE of North Carolina, Mr. GINGREY, Mr. COBLE, Mr. MOORE of Kansas, Mr. BISHOP of New York, Ms. SOLIS, Mr. PALLONE, Ms. KAPTUR, Ms. MATSUI, Mr. SANDERS, Mr. ROTHMAN, Mr. KUCINICH, Mr. KIND, Ms. BERKLEY, Mr. BAIRD, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. ROSS, Mr. HONDA, Ms. VELÁZQUEZ, Mr. COOPER, Mrs. TAUSCHER, Mr. CRAMER, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. BACA, Mr. FILNER, and Mr. STARK.

H.R. 997: Mr. GOHMERT and Mr. HOSTETTLER.

H.R. 998: Mr. KELLER.

H.R. 1000: Mrs. MALONEY.

H.R. 1028: Mr. PAUL, Mr. GARRETT of New Jersey, Mr. OTTER, Mr. WILSON of South Carolina, and Mr. WICKER.

H.R. 1059: Mr. SERRANO.

H.R. 1092: Mr. NORWOOD, Mr. HENSARLING, Mrs. CUBIN, Mr. PLATTS, Mr. TANCREDO, and Mr. GARY G. MILLER of California.

H.R. 1105: Mr. PASCRELL.

H.R. 1119: Mr. SALAZAR.

H.R. 1120: Mrs. BONO, Ms. MCCOLLUM of Minnesota, and Mr. GENE GREEN of Texas.

H.R. 1125: Mr. PORTER.

H.R. 1133: Ms. PELOSI.

H.R. 1157: Mr. TOWNS.

H.R. 1175: Mr. SOUDER.

H.R. 1182: Mr. PRICE of North Carolina, Mrs. MALONEY, Mr. CROWLEY, Mr. CLAY, Mr. BISHOP of Georgia, Ms. LEE, Mr. RANGEL, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. BUTTERFIELD, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Ms. MCKINNEY, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Mr. CLYBURN, Mr. PAYNE, Ms. WATSON, Mr. FATTAH, Mr. MEEKS of New York, Mr. DAVIS of Alabama, Mr. GUTIERREZ, and Mr. THOMPSON of Mississippi.

H.R. 1220: Mr. FOLEY, Mr. MCGOVERN, and Mr. MCHUGH.

H.R. 1222: Mr. LARSON of Connecticut and Ms. SCHWARTZ of Pennsylvania.

H.R. 1224: Mr. GILLMOR.

H.R. 1237: Mr. STUPAK.

H.R. 1242: Mr. WOLF, Mr. FILNER, and Mr. LYNCH.

H.R. 1245: Mr. ANDREWS, Mr. SNYDER, Mr. DICKS, Mr. ENGEL, and Ms. SLAUGHTER.

H.R. 1246: Mr. HENSARLING.

H.R. 1248: Mr. DEAL of Georgia.

H.R. 1251: Mr. PASCRELL.

H.R. 1273: Mr. BARRETT of South Carolina.

H.R. 1279: Mr. SOUDER, Mrs. CAPITO, and Mr. GENE GREEN of Texas.

H.R. 1282: Mr. GENE GREEN of Texas and Mr. FATTAH.

H.R. 1295: Mr. ISRAEL, Mr. FITZPATRICK of Pennsylvania, Mr. LAHOOD, and Mr. BISHOP of Georgia.

H.R. 1306: Mr. LATHAM and Mr. PETRI.

H.R. 1312: Mr. CUMMINGS, Mr. ENGEL, Mr. HOLT, Mr. KENNEDY of Rhode Island, Mr. LANGEVIN, Ms. LEE, Mr. MATSUI, Mr. MCDERMOTT, Mr. PALLONE, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY.

H.R. 1316: Mrs. CUBIN.

H.R. 1317: Mr. PRICE of North Carolina.

H.R. 1321: Mr. STUPAK.

H.R. 1333: Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. SIMMONS, Mr. LAHOOD, and Mrs. WILSON of New Mexico.

H.R. 1335: Mr. RANGEL, Mr. OWENS, Mr. YOUNG of Alaska, Mr. RUSH, and Mr. HOLDEN.

H.R. 1345: Mr. SENSENBRENNER.

H.R. 1352: Mr. CROWLEY, Ms. SOLIS, Ms. SLAUGHTER, Mr. EHLERS, Mr. STUPAK, Mr. BOSWELL, Mr. LIPINSKI, Mr. RANGEL, Mr. HINOJOSA, Ms. WASSERMAN SCHULTZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. BACA, Mr. GRIJALVA, Mr. REYES, Mr. PASTOR, Ms. MATSUI, Mr. WAXMAN, Mr. HONDA, and Ms. HOOLEY.

H.R. 1364: Mr. ACKERMAN.

H.R. 1365: Mr. CLEAVER, Mr. WATT, and Mr. BISHOP of Georgia.

H.R. 1386: Mr. BUTTERFIELD.

H.R. 1389: Mr. MARKEY.

H.R. 1405: Mr. PALLONE.

H.R. 1408: Mr. ISSA.

H.R. 1409: Mr. PAYNE and Ms. JACKSON-LEE of Texas.

H.R. 1413: Ms. DELAURO, Mr. JEFFERSON, and Mrs. CAPPS.

H.R. 1420: Mr. EDWARDS.

H.R. 1424: Mr. DAVIS of Alabama, Mr. ROTHMAN, Ms. DELAURO, Mr. JEFFERSON, Ms. WATERS, Mr. CLYBURN, Mr. SCOTT of Virginia, Mr. WATT, Mr. FATTAH, Mr. FORD, and Mr. AL GREEN of Texas.

H.R. 1426: Mr. BISHOP of New York, Mr. ROGERS of Kentucky, and Mr. DAVIS of Illinois.

H.R. 1435: Mr. TOWNS, Mr. MCNULTY, Mr. OLVER, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. PALLONE, Mr. KUCINICH, and Ms. WOOLSEY.

H.R. 1441: Mr. GUTIERREZ, Mr. KILDEE, Mr. OWENS, Ms. SLAUGHTER, Mr. MOORE of Kansas, and Mr. MORAN of Virginia.

H.R. 1443: Mr. MCCOTTER, Mr. KILDEE, Mr. CLAY, and Mrs. CAPITO.

H.R. 1447: Mr. ABERCROMBIE.

H.R. 1469: Mr. BISHOP of Utah.

H.R. 1500: Mr. GARRETT of New Jersey.

H.R. 1505: Mr. KELLER, Ms. HERSETH, Mr. GUTKNECHT, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. MCCAUL of Texas, Mrs. BIGGERT, Mr. BACHUS, Mrs. MILLER of Florida, Ms. SOLIS, Mr. BEAUPREZ, Mr. JONES of North Carolina, Mr. BOOZMAN, Mr. HENSARLING, Mr. TIBERI, Mr. MCHENRY, Mr. FEENEY, Mr. MACK, Mrs. CUBIN, Mr. GERLACH, Mr. BURGESS, Mr. FRANKS of Arizona, Mr. WELLER, and Mr. RENZI.

H.R. 1517: Mr. WELLER, Mr. OTTER, Mr. PITTS, Mrs. BIGGERT, Mrs. CUBIN, Mr. CONAWAY, Ms. HART, Mr. TAYLOR of North Carolina, and Mr. TIBERI.

H.R. 1520: Mr. UDALL of Colorado.

H.R. 1526: Mr. CAPUANO, Mr. OLVER, Mr. BLUMENAUER, Mr. CUMMINGS, Mr. JOHNSON of Illinois, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. WEXLER, Mr. PASTOR, Mr. UDALL of Colorado, and Ms. MATSUI.

H.R. 1545: Mr. TOWNS and Mr. BRADLEY of New Hampshire.

H.R. 1575: Mr. TAYLOR of North Carolina and Mr. PASCRELL.

H.R. 1581: Mr. NEUGEBAUER and Mrs. MUSGRAVE.

H.R. 1588: Mr. CHANDLER.

H.R. 1595: Mr. KILDEE, Mr. BISHOP of Georgia, and Mr. LIPINSKI.

H.R. 1602: Mr. UDALL of Colorado.

H.R. 1608: Mr. SALAZAR and Mr. EVANS.

H.R. 1630: Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. WEINER, Mr. BOSWELL, Mr. PASCRELL, Mr. BLUMENAUER, Mr. CHANDLER, and Ms. CARSON.

H.R. 1631: Mr. SIMMONS, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. BISHOP of New York, Mr. WEINER, Mr. BOSWELL, Mr. BLUMENAUER, Mr. CHANDLER, and Ms. CARSON.

H.R. 1635: Mr. PORTER, Mr. ROGERS of Michigan, and Mr. SIMMONS.

H.R. 1636: Ms. MCCOLLUM of Minnesota, Mr. ALLEN, and Mr. EHLERS.

H.R. 1642: Mr. PRICE of Georgia.

H.R. 1648: Mr. DAVIS of Florida, Mr. CLAY, Mr. CLYBURN, and Ms. KILPATRICK of Michigan.

H.R. 1651: Mr. SESSIONS and Mr. BONILLA.

H.R. 1652: Ms. SOLIS, Mr. OLVER, and Ms. SCHAKOWSKY.

H.R. 1664: Mr. MCDERMOTT and Ms. WOOLSEY.

H.R. 1666: Mr. EMANUEL and Mr. LARSEN of Washington.

H.R. 1674: Mr. GILCHREST, Mr. BAIRD, Mr. CASE, Ms. BORDALLO, and Mr. MCDERMOTT.

H.R. 1690: Mr. GONZALEZ, Mr. WOLF, Mr. RANGEL, Ms. ESHOO, and Mr. RUPPERSBERGER.

H.R. 1696: Mr. LANGEVIN, Mr. ROTHMAN, Ms. HERSETH, Mr. SMITH of Washington, Mr. GORDON, Mr. LATOURETTE, Mr. PASCRELL, Mr. EVANS, and Ms. MOORE of Wisconsin.

H.R. 1736: Mr. CULBERSON.

H.R. 1741: Mrs. MILLER of Michigan.

H.J. Res. 10: Mr. OXLEY.

H.J. Res. 16: Mr. DELAY.

H.J. Res. 23: Mr. TAYLOR of Mississippi and Mr. GIBBONS.

H. Con. Res. 9: Ms. LEE.

H. Con. Res. 40: Ms. MOORE of Wisconsin.

H. Con. Res. 71: Mr. KUHL of New York, Mr. BISHOP of Georgia, Mr. FRANK of Massachusetts, and Ms. BERKLEY.

H. Con. Res. 83: Mr. DAVIS of Kentucky.

H. Con. Res. 90: Mr. INSLEE and Mr. PLATTS.

H. Con. Res. 99: Mr. HONDA.

H. Con. Res. 120: Mr. KIND, Mr. BLUMENAUER, Mr. GUTIERREZ, Mr. DEFAZIO, and Mr. WEXLER.

H. Con. Res. 127: Mr. JACKSON of Illinois.

H. Con. Res. 128: Mr. DAVIS of Illinois.

H. Res. 30: Mr. CARDOZA and Mr. OBERSTAR.

H. Res. 137: Mr. EDWARDS and Mr. BACHUS.

H. Res. 167: Mr. KING of New York.

H. Res. 193: Mr. CONAWAY, Mrs. MILLER of Michigan, Mr. PUTNAM, Mr. KELLER, Mr. BOYD, Mr. MCCAUL of Texas, Mr. FORTUÑO, and Mr. DELAY.

H. Res. 200: Ms. ZOE LOFGREN of California and Mr. PASCRELL.

H. Res. 212: Ms. SLAUGHTER, Mr. FITZPATRICK of Pennsylvania, Mr. MARKEY, Mr. SIMMONS, Mr. MCHUGH, Mr. WEXLER, Mr. BOREN, and Mr. FORBES.

H. Res. 214: Mr. ADERHOLT.

H. Res. 216: Mr. GILLMOR.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1095: Mr. SHAYS.

United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

*Vol. 151* WASHINGTON, THURSDAY, APRIL 21, 2005 *No. 49*

# *Senate*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, Maker of heaven and Earth, Creator of humanity in Your own image, we rejoice because of Your strength. Lord, from the quietness that heals, from the searching that reveals, guide Your Senators into channels of faithful service. Use them to bind up the wounds of the broken, the disinherited, and the rejected. Teach them to bring harmony from discord and hope from despair. Help them to daily celebrate life in all its myriad aspects. May they never lose their zeal in working to make our planet a place of peace.

Bless the men and women of our military as they sacrifice to keep us free. Shower them with eternal blessings. We praise You, Lord, for all Your glorious power. Let the works of our mouths and the meditations of our hearts bring glory to Your Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 21, 2005.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,
*President pro tempore.*

Mr. ENSIGN thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Mr. President, today we will begin with a 1-hour period for morning business. We will finish the emergency supplemental appropriations bill during today's session. The order from last night provides for up to three votes, including final passage, and those votes will be stacked for a time certain late this afternoon. We also have an agreement to consider the nomination of John Negroponte to be Director of National Intelligence. We will debate that nomination today and stack that vote to occur with the remaining votes on the emergency supplemental bill.

I thank Chairman COCHRAN and Senator BYRD for their hard work on the appropriations measure. That bill will go to conference next week, and we hope that we can have a conference report available in a reasonable period of time.

Again, we will alert Members when we have locked in the exact time of the stacked votes later today.

I yield the floor.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from South Dakota.

## JUDICIAL NOMINATIONS

Mr. THUNE. Mr. President, I rise today in morning business to speak about a matter of great importance, and that is our broken judicial nomination and confirmation process. As Senators, we have sworn to support and defend the Constitution, and on the issue of judicial nominations the Constitution is straightforward. It states that the President nominates judges and the Senate has the duty to give its advice and consent on those nominations. For over 200 years, that is exactly how it worked, regardless of which party was in power.

Over the past 2 years, the Democrat minority has attempted to change the rules and stand 200 years of Senate tradition on its head. The Democrat minority now thinks that 41 Senators should be able to dictate to the President which judges he can nominate. The minority also thinks that it should be able to prevent the rest of the Senate from fulfilling its constitutional duty of voting up or down on judicial nominees.

The Democrats' position is contrary to our Constitution, our Senate traditions, and the will of the American people as expressed at the ballot box this past November. It must stop.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The advice and consent provision in the Constitution has served us for over 214 years up until the last Congress. That meant that the Senate should vote, and for over 200 years no nominee with majority support has been denied an up-or-down vote in this body, zero.

The Democrats have said that they have confirmed 98 percent of the President's nominees. The actual number is 89 percent. But even at that, are we to say that we are only going to follow the Constitution 89 percent of the time? Furthermore, this Senate's record on dealing with the President's appellate court nominees is the worst for any President in modern history. This President's record of having his appellate court nominees voted on is 69 percent, which ranks him lowest of any President in modern history.

It would be one thing if these nominees did not have the votes for confirmation, but they do. These nominees will have 54 or 55, 56, 57 votes for confirmation. It is wrong to deny them what the Constitution says they deserve and for us to ignore our constitutional responsibility to see that they have an up-or-down vote in this body.

The Democrats have said that it is their prerogative to debate. Well, that is great. Let us debate them on the floor of the Senate. But before they can be debated, a nomination has to be brought to the Senate floor for debate. We have a right to debate under the Constitution in the Senate.

They have also suggested that judges ought to have broad support; that they ought to have more than the necessary 51 votes for the simple majority that has traditionally been the case in the Senate. There is nothing in the Constitution about filibustering judges. There is nothing in the Constitution about requiring a super-majority to confirm judges. If the Founders had wanted judges to get a super-majority vote, they would have put that in there. They did it for treaties, for constitutional amendments, and for overriding a Presidential veto. Clearly, that was not the case with judges. It was the Founders' intention that the Senate dispose of them with a simple majority vote.

The Democrats in the Chamber have said that what we are trying to accomplish is ''the nuclear option,'' suggesting that somehow this is a radical process that we are trying to implement. Well, simply, that is not true. There is nothing nuclear about re-establishing the precedent that has been the case, the practice, and the pattern in this Senate for over 200 years.

What is nuclear is what is being discussed by the Democrats in this body, and that is shutting the Senate down over the issue of judicial nominees, which means important legislation to this country, such as passing a highway bill that will create jobs and growth in this economy, could get shut down, or an energy policy which is important in my State of South Dakota. We have gas prices at record levels, we have farmers going into the field, the tourism industry is starting its season, so we need to do something to help become energy independent. I am very interested in the issue of renewable fuels. I want to see as big a renewable fuels standard as we can get on the Energy bill, but we have to get it on the floor to debate it first. We cannot have these attempts, these threats—and I hope they are just that: threats—because it would be tragic, it would be nuclear, if the other side decided to shut this Senate down over the issue of judicial nominees.

The Democrats in this Chamber have tried to confuse the issue of legislative and judicial filibusters, clearly trying to confuse the public about what this means. Well, what we are talking about is simply the narrow issue of judicial nominees. It is part of this Senate's constitutional responsibility and duty, and we must take it very seriously. However, in the last Congress that became extremely politicized.

What we are talking about again is simply the issue of judicial filibusters. Incidentally, it was the Democrats who last voted on the filibuster in the Senate to do away with it back in 1995. It was a 76-to-19 vote. It had to do with the whole issue, not just judicial but legislative filibusters as well. Many of those Democrats who voted to end the filibuster still serve in this institution today.

The American people see this as an issue of fundamental fairness. They understand that this body's constitutional obligation, responsibility, and duty is to provide advice and consent, and that means an up-or-down vote in the Senate.

The Democrats in the Senate have said that this President's nominees are extreme. There are going to be a couple of them reported out of the Judiciary Committee today. Janice Rogers Brown received 76 percent of the vote the last time she faced the voters in California, which is not exactly a bastion of conservatism. Her nomination in this Senate has been stalled out for 21 months. Priscilla Owen will also be reported out today. She received 84 percent of the vote the last time she faced the voters in Texas. She has been waiting around for 4 years in the Senate to get an up-or-down vote on her nomination. She was endorsed by every major newspaper in the State of Texas. These nominees are not extreme. What is extreme is denying these good nominees a vote, and it betrays the role and responsibility the Founders gave the Senate.

So as we embark upon and engage in this debate that is forthcoming on judicial nominees, let us keep in sight and in focus the facts, and the role and responsibility this institution has to perform its duty. And that is to make sure that when good people put their names forward for public service, they at least are afforded the opportunity that every nominee with majority support throughout this Nation's history has had, and that is the chance to be voted on in the Senate.

I fully support what the other side is saying about wanting to debate these nominees. Let us do it. I am certainly willing and hopeful that we will be able to engage in a spirited and vigorous debate. Let us debate, but then let us vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

## JUDICIAL NOMINATIONS

Mr. REID. I understand we are in a period for morning business. I will use leader time.

Mr. President, I have the greatest respect for my friend from South Dakota, but his assertion of facts is simply without foundation. When the Democrats took the majority in the Senate, I, along with others, said that this was not payback time; we were not going to treat the Republicans the way they treated us during the Clinton years. During those years, they did not have the decency even to have hearings for judicial nominations; they simply left them, 60 in number, in the committee. We thought that was inappropriate, and that is the reason during the time that President Bush has been President—we were in the majority, and we are now in the minority—we have approved 205 judges for President Bush and turned down 10, which is a pretty good record.

For people to say there have not been judicial filibusters in the past is simply without historical foundation. In the early days of this Republic, there was no way to stop a filibuster. The only way one could stop a filibuster on judges or anything else was by virtue of agreeing to stop talking. Many judges were simply left by the wayside. They were talked out and they simply never came forward for a vote before the Senate.

The most noteworthy filibuster of a judge that would require a vote that failed was in 1881. There was a filibuster of a judge that went to a vote. Prior to that time, they never even went to a vote.

It was determined in the Senate in 1970 that it would be appropriate to figure out some way to break a filibuster—on judges, on Cabinet nominations, and on legislation. At that time the Senate changed its rules by a two-thirds vote and had filibusters broken, then, by 67 votes. In the 1960s it was determined that was a burden that was no longer necessary, and it was changed to 60 votes. From that time to today, there has been the ability to break a filibuster by 60 Senators voting.

There have been filibusters since that rule was changed in 1960, filibusters of judges. The most noteworthy, of course, was Abe Fortas. There was a filibuster, and there are wonderful statements in the CONGRESSIONAL

RECORD by Howard Baker at that time, who extolled the virtues of the filibuster.

During the time I have been in the Senate there have been filibusters of judges. I can name two that come to my mind: Berzon and Paez. We had a vote to break those here, on the filibuster. The majority leader voted against breaking those filibusters. So we have had votes on many occasions dealing with filibusters of judges. This is no new thing.

What we have to keep in mind is that we, the legislative branch of Government, are separate but equal. That is what checks and balances are all about. The President should not have, from the Senate, a rubberstamp for everything he wants. We have the advise and consent clause in the Constitution and we have the obligation to look at these judges. We have approved 205 and turned down 10. For people to suggest that you can break the rules to change the rules is un-American.

The only way you can change the rule in this body is through a rule that now says, to change a rule in the Senate rules to break a filibuster still requires 67 votes. You can't do it with 60. You certainly cannot do it with 51. But now we are told the majority is going to do the so-called nuclear option. We will come in here, having the Vice President seated where my friend and colleague from Nevada is seated. The Parliamentarian would acknowledge it is illegal, it is wrong, you can't do it, and they would overrule it. It would simply be: We are going to do it because we have more votes than you.

You would be breaking the rules to change the rules. That is very un-American. I ask my friends to look at what is going on in the press. In the Post today, David Broder, a nationwide columnist, talks about how bad it would be. Dick Morris, who certainly is no lapdog for the Democrats, has stated very clearly it would be the wrong thing to do. The political damage would be done to Republicans for many years to come.

This is something we should work out. This is something that should not cause the disruption and dysfunction of our family, the Senate family. If this is done, the Senator from South Dakota is absolutely right; we will be working off the Democrats' agenda. We will let things go forward. Of course, we will let things go forward to take care of the troops and let us make sure the Government is funded. We are not going to do the Gingrich plan.

But things around here work by unanimous consent. Maybe the majority wants an excuse not to complete business because most of their business is a little faulty anyway. But we have worked very hard and showed our good faith in the first quarter of this Congress. We have passed, for example, the class action bill; we passed the bankruptcy bill—both of which were 15 years in the making. These are bills the majority of the Senators on this side of the aisle opposed. But I thought it was appropriate that we do business the way we should be doing business: have people speak, debate the issue, and take your wins and losses as they come. We had a couple of losses. But the fact is, we believe the business of the Senate should be conducted in this manner.

I do not know what is going to happen in the Foreign Relations Committee as it relates to Bolton, but the fact is, that is how things should be decided. They should debate publicly and openly and then make a decision as to whether he is good or bad for the United Nations. They are going to have some more hearings in that regard. I think that is appropriate. But to think that just because you do not get your way that you are going to change the rules is wrong.

I have said once or twice on the Senate floor, when I was a little boy I took a big trip. My brother was 10 or 12 years older than I. He was working for Standard Stations in a place in Arizona. It was a little town. It seemed like a big town coming from Searchlight. It took quite a few hours to drive over there. I spent a week with my brother. I thought it was going to be a week, but he had a girlfriend and I didn't spend much time with him at all. I spent time with his girlfriend's brother. I could beat her brother in anything—all card games, board games, running, jumping, throwing. But I could never win because he kept changing the rules in the middle of the game. That is what is happening in the Senate. The majority can't get what they want so they break the rules to change the rules.

We believe the traditions of the Senate should be maintained. We believe if you are going to change the rules in the Senate, change them legally, not illegally.

I hope my friends, people of goodwill on the other side of the aisle, will take a very close look at this and see if it is the right thing to do. I think we do have people of goodwill on the other side of the aisle who understand the importance of maintaining the integrity of this body.

As Senator Dole said when asked on Public Radio last week what he thought about the so-called nuclear option, He said: Watch it because we are not going to be in the majority all the time. It will come back—these are my words, not his but the same meaning—it will come back to haunt us because the majority changes all the time.

I think it would be wrong for the Democrats to be able to do what the Republicans are talking about doing. I think it would be wrong for the Republicans to do what they are talking about doing. That is why we, Senator FRIST and I, working with our caucus, have to try to tamp down the emotions on this issue and do what we can to bring the Senate family together and do things the right way so we can continue to do legislation.

I spoke to the distinguished majority leader a few minutes ago. We want to do the highway bill. We have the Energy bill. Senator DOMENICI and Senator BINGAMAN are working hand in hand, more than they have in many years. They are going to come up with the Energy bill. The Senators are going to bring it to the floor and we will debate it.

As the President was told several days ago by Senator BAUCUS when they were called to the White House, Senator BAUCUS said: You do the nuclear option, there will be no Energy bill. That is the way things are and that is wrong.

(Ms. MURKOWSKI assumed the Chair.)

Mr. REID. Madam President, I hope we will be able to work our way through this issue and come up with something appropriate and move on. We have a number of judges who are pending now. They should not have to wait around.

In the situation we now have there is no question the committees are working so well together. Senator SPECTER and Senator LEAHY are working well together. I do not like the asbestos bill. I am not sure there is anything that can be done to make me happy about the asbestos bill because I have such strong feelings about the people who died of mesothelioma and asbestosis. But one of the things I did when I became leader, I told my ranking members that they were their committees. They could do whatever was appropriate in the confines of that committee.

Senator LEAHY did what he thought was appropriate. I may disagree with that asbestos bill, but he had every right to work with Senator SPECTER and come up with a bill. That bill is here at the desk right now. That is the way things should work.

Senators SPECTER and LEAHY have gotten so much done during the first few months they have been working together. There is a lot more we can do. That Judiciary Committee has some of the most interesting but controversial issues that we have. When you have two people working together as closely as LEAHY and SPECTER have been, we can expect some things on the floor of the Senate that will be interesting and controversial, but that is our job.

I repeat for the third time, I hope we can move forward and get the work of the American people done. That is what this is all about. We do not come here to please any particular constituency. We come here to please the people of our States and the people of this country. That is our job.

We need to recognize we have equal power to the judicial and executive branches of Government. A number of years ago, when President Kennedy was President, there was a chairman of the Rules Committee in the House by the name of Smith. He was a Democrat. President Kennedy was a Democrat. He called Mr. Smith because he

wanted an appropriate ruling from the Rules Committee of which Mr. SMITH was the chairman. And Smith wouldn't even return the President's call. He knew he did not have to. He stood for the legislative branch of Government. He didn't have to take orders or suggestions or even talk to the President.

He may have carried things a little too far, but that shows the strength of the legislative branch. We are as powerful as the judicial branch of Government and the executive branch of Government. When we come to the realization that we are not, it is not good for this country.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I respect the Senator and I appreciate what he has to say about wanting to move the agenda. That is something I am very concerned about because of the Highway Bill, as well as the Energy Bill. Those are things that are lined up and need to be done. They are unfinished business from the last Congress. My concern from all this, and the Senator from Nevada has been here long enough, obviously, to know this, the Senate does set its rules and procedures. That is part of the Constitution. Back in 1980, of course, the Senate did the same things we are talking about doing here when the Democrats had control under Senator BYRD.

But more important, this needs to be based on facts. The facts are on our side in this debate. If you look back—the Senator from Nevada talked about historical precedents. The reality is what I said earlier is absolutely accurate, and that is there has not been a judicial nominee with majority support in the history of this Nation, up until the last Congress, who was denied an up-or-down vote in the Senate by a filibuster or by using the Standing Rules of the Senate to prevent that from happening. That simply is a fact.

It is also a fact that in the instance he referred to back in 1968, the Fortas nomination to the High Court, it was President Johnson's selection for Chief Justice. That was, I should say, a bipartisan attempt. It was a judge who did not have majority support in the Senate, and furthermore it was a judge about whom they were raising ethical issues.

The nominees we are referring to here are people of high quality. They are people who have been rated by the American Bar Association as being highly qualified to serve on the bench. They are not extreme, as the Democrats have suggested. They are judges who have been voted on in their States and won overwhelming majorities. These are people who deserve to be voted on in the Senate. This is about the tradition, it is about the precedent, it is about the history of the Senate, and it is about the Constitution. And it is about the responsibility, as Senators, that we have to see that these judicial nominees who are presented by the President for confirmation, for the Senate to perform its advise and consent role, are dealt with in an appropriate way.

I hope the Senator from Nevada will work with our leadership to try to fashion a way in which these judges can be voted on in the Senate. If they are not, we are setting an entirely new precedent for the future of how these judicial nominees are going to be considered in the Senate because this is unprecedented in the history of this Nation, what has happened in the last session of Congress, and what is being suggested by the Democrats in the Senate at this time. And that is that they will shut this institution down and keep other legislation from moving forward simply because they want to dictate to the majority and to the President of the United States about the kind of judges he ought to be submitting to the Senate for confirmation.

I have a couple of other colleagues here who want to speak to this issue, but it is important that this debate be about the facts. I hope we can have an opportunity to debate these judges. Then I hope we have the opportunity to vote on them.

I yield to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I, too, rise this morning to speak about an issue of great importance to me as a freshman of this body; more important, to the Senate as an institution; and most important, to America as a Nation: that is, what is clearly our horribly broken and partisan judicial confirmation process.

Two years ago, the Members of the Senate freshman class of the 108th Congress called on all of their Senate colleagues, Democrats and Republicans, to take a careful look at the Senate's process of confirming judicial nominees. They were fresh from the campaign trail in their respective States, fresh from talking to citizens every day in their campaigns. They heard over and over how dissatisfied people were with the partisanship, the bitter partisanship and obstructionism that they found in Washington, particularly in the Senate. They heard over and over that the clearest example of that was the horribly broken, bitterly partisan judicial confirmation process.

Unfortunately, their valiant efforts did not succeed in fundamentally changing and improving the process. Because of that, as I was on the campaign trail to run for the Senate last year, I heard those same themes, those same concerns from voters all across Louisiana. I know my other freshman colleagues heard the same things from voters in their States. They heard over and over how tired and upset people were at the bitter partisanship in Washington, particularly in the Senate; the endless obstructionism, the endless filibusters. Again, the clearest example of that in citizens' minds was the horribly broken, bitterly partisan judicial confirmation process.

I heard over and over in every part of the State, folks from all walks of life, folks from both parties: Do the people's business. Get beyond all of that game playing. Get beyond that bitter partisanship. The obstructionism, the filibusters, that is not doing the people's business.

Yesterday, I joined with many other Members of my freshman class, the current Senate freshman class, in again calling for the Senate leadership to work together to address the judicial crisis—I use that word for good reason—the judicial crisis we are facing.

As we stated in our freshman letter to our colleagues from Tennessee and Nevada, progress often requires us to make difficult but fairminded decisions. The time has come to prepare our damaged, broken judicial confirmation process. We need a genuine commitment to upholding the equitable principles of our judicial system, a sense of respect for our deeply rooted traditions, and the willingness to compromise.

Several judicial vacancies have been lingering not for months but for years, as my colleague from South Dakota has said, causing more than one jurisdiction to formally declare a ''judicial emergency.'' Because of long-term vacancies, it is imperative we, as Senators, respond promptly to these emergencies. It is unacceptable we should have judicial vacancies in our courts for up to 6 or more years in some cases. It is time to put aside the grievances, the obstructionism, the partisanship that has been built up.

A recent case in point is the nomination of Janice Rogers Brown to the U.S. Court of Appeals for the DC Circuit. Judge Brown, whose nomination has been pending since July 2003, as my colleague from South Dakota noted, is a highly qualified judicial candidate, as evidenced by her background and her training. Justice Brown has 8 years of experience on the California appellate bench, and she has dedicated all but 2 years of her 26-year legal career to public service. Right now, she serves as associate judge of the California Supreme Court, a position she has held since May 1997.

Justice Brown is the first African-American to serve on that State's highest court and was retained with 76 percent of the vote in her last election. California is not exactly a rightwing State. In 2002, Justice Brown's colleagues relied on her to write the majority opinion for the California Supreme Court more times than any other justice.

The daughter of sharecroppers, Justice Brown was born in Greenville, AL, in 1949. She came of age in the South, tragically in the midst of Jim Crow policies, having attended segregated schools in her youth. She grew up listening to her grandmother's stories about the NAACP lawyer who defended Martin Luther King, Jr., and Rosa Parks. Her experiences as a child and

those stories from her grandmother moved her to become a lawyer. In her teens, she moved to California with her family. She earned a B.A. in economics from California State in 1974. She earned her law degree from UCLA Law School in 1977.

In 2003, a bipartisan group of 12 of Justice Brown's current and former judicial colleagues wrote then-Judiciary Committee Chairman ORRIN HATCH in support of her nomination—again, a fully bipartisan group. Another fully bipartisan group of 15 California law professors did the same, as did a dean of the appellate bar in California, and the California director of Minorities in Law Enforcement. What those who know her best say is Justice Brown is a superb judge, conscientious, hard-working, intelligent, sensible, open-minded.

Yet Justice Brown, like multiple other judicial nominees, has been waiting and waiting and waiting for an up-or-down vote in the Senate. It is unfair to her. More importantly, it is unfair to the citizens of this country.

Some, like the distinguished minority leader, argue that this is some longstanding venerable practice. That is simply not true. A few minutes ago, the minority leader said in the early days of the Republic, filibusters were common. I hope, in the midst of this very important debate, he will read the history carefully because in the early days of the Republic, the Senate rules had no such thing as a filibuster. The Senate rules were pure majority rule because there was a motion that no longer exists to call the question, to end debate by a majority vote. So in the early days of the Republic—and this is crystal clear in history—there was no opportunity for filibuster because the Senate, just like the House, then and now, operated by pure majority vote.

Certainly it is clear this practice of judicial filibusters for appellate court nominees is brand new. It has never, ever happened for a nominee with majority support before the last Congress. They are very clear, very well-known examples that prove the point. What about Robert Bork and Clarence Thomas—very controversial nominations opposed by many on the Democratic side but neither was filibustered. Both got up-or-down votes in the relatively recent past. One was confirmed. One was not. That is how the process is supposed to work. That is how it did work until the last Congress.

Others say, yes, these floor filibusters are new but nominees have been held up in the committee before. That has been the functional equivalent of these filibusters we now see when the majority party in the past held up certain nominees in committee.

My response is very simple and very direct. We should change the committee rules as part of this process to ensure every appellate court nominee, every Supreme Court nominee gets to the Senate floor for an up-or-down vote within a certain amount of time. That will fully respond to any legitimate concerns in that regard. That will fully respond to any of those grievances from the past. They can come to the Senate, within a certain amount of time, under a mandate which we can put in the committee or the full Senate rules, and the committee can send them to the Senate with a recommendation we confirm that judge, or that confirmation can come to the Senate with a negative report by a majority of the committee.

We face an impasse. We must do whatever is necessary to end it. Inaction is no longer accessible. Now is the time to resolve it.

Like the complicated policy issues we tackle every day, we cannot avoid the judicial crisis and its surrounding confirmation issues without expecting our inaction to have a major impact on our country. The integrity of our entire judicial system is at stake. Indeed, the integrity of the Federal Government and Congress is at stake as citizens again and again say: Put the people's business first. Take up the people's business. Get beyond this horrible partisanship, obstructionism, and these filibusters.

In closing, I encourage all of my colleagues to take a careful look at the Senate confirmation process. I ask we work together to refine our judicial confirmation process and to break down those partisan walls that have stood in the way of advancing judicial nominations.

There is one compelling reason we need to do this. That is doing the people's business. That is serving the people—not partisan political interests—and the people, across the Nation, all of our citizens, are demanding it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Madam President, I was one of those new Members of the Senate elected in the class of 2002 my friend and colleague from Louisiana talked about. We did lament the partisan divide that certainly has been growing in this body for a while but has been clearly reflected in the battle over judicial appointments.

The President has the constitutional authority to appoint judges. That is very clear. It is an authority that has never, in the history of this country, up until last year, when my colleague across the aisle decided to filibuster those appointees, it has never in the history of this country required anything more than a majority vote. We are talking about judicial appointments.

The President must appoint folks who are qualified. There are standards by which one can review that. The American Bar Association is involved in that process and they, in fact, grade nominees. In the case of the President's appointees, each of those nominees received the endorsement—in effect, the label, the standard—of ''qualified'' or ''highly qualified.'' They met the basic test that has to be met.

What has happened in the last year is now a new political test put in place, a political test that has then required a new standard, an unprecedented standard in the history of this country. I repeat, in the history of this country, nominees who could get a majority vote have not been filibustered until last year.

The other side has said: We have confirmed so many judges, hundreds of judges, but when it comes to appellate court judges, the level below the Supreme Court, last year I believe it was 30 percent of those were filibustered, were stopped, and a higher percentage then face that this year. Our obligation in the Constitution is to advise and consent. It is not to advise and construct. Nominees deserve simply an up-or-down vote. That has been the process that has served this country so well for nearly 250 years.

I support the right of filibuster. I love that movie ''Mr. Smith Goes to Washington.'' I thought Jimmy Stewart was fabulous. I watched that as a kid, and I thought being on the floor of the Senate, standing and not stepping down, fighting for what you believe, is part of the history of the Senate.

It is not, by the way, the history of the United States for its entire existence. It was not the history of the United States, contrary to the words of the distinguished and learned minority leader from Nevada, it is not the history when this country began. But it has been part of our history. I recognize that.

By the way, it has not always been as glorious as when Jimmy Stewart was in that movie, standing on the floor of the Senate. The history of the filibuster, which now is being paraded as this icon of protection of rights, this history, unfortunately, has a history of being used to block anti-lynching legislation. It was used to block civil rights legislation. That has been the history of the filibuster. But I respect that history. I respect that tradition of filibustering legislation even if I disagree with it.

But never before has there been a tradition of using that filibuster, that tool, to block judicial nominees. That is what is different today.

I do believe the last effort to limit the filibuster occurred when Republicans took control of the Senate about 1994 and 1995; there were efforts to limit the filibuster. There were 19 votes for that effort. Every one of them were Democrats. Every one of them were my colleagues across the aisle, some of whom still serve in this institution today. That has been the history of limiting the filibuster. But the history is clear that, up until last year, the filibuster has not been used to block a nominee who has majority support.

I am also deeply concerned about what we are doing to civics with this discussion. I think we are confusing young people. When I grew up and studied civics, I understood what checks

and balances were. I am watching commercials today that talk about the effort of the Democrats to block judicial appointees is somehow applying the concept of checks and balances. I have to gather my 15-year-old daughter Sarah and tell her that is not what checks and balances are about. The concept of checks and balances has to do with the wisdom of our Founders to balance the power of the executive branch against the power of the legislative branch and the power of the judicial branch. That is checks and balances—a magnificent concept.

But checks and balances does not mean, and has never meant, that somehow the minority can block the majority from governing in an Executive Calendar, where the President has the authority to appoint individuals who he thinks are qualified, and then we measure that qualification—not politics, not their views on certain political issues, but their competence, their integrity, their capacity to do the job—and we then advise and consent, we give the up-or-down vote.

But checks and balances have nothing to do with the attempt of the minority, right here, to block the majority from simply confirming Presidential appointees. We are not talking about changing the legislative calendar. We are not talking about interfering with the right to filibuster on legislative issues. We are talking about upholding the Constitution.

It is interesting, if you go back—and like the Presiding Officer, I have been here only a few years—we have learned from some of our colleagues about the history of what went on before. In the past, the Senate did not filibuster judicial nominees. There were times when you had very liberal judges coming up for confirmation by Democratic Presidents, and you had Republicans controlling the process, and you had majority leaders such as Trent Lott supporting cloture for liberal nominees who, on the basis of ideology, they would not support.

Judge Paez, in the Ninth Circuit, I believe was one of the judges involved in the decision that you cannot say ''one Nation under God.'' I know many of my colleagues felt Judge Paez's views were extreme. But they respected the power of the President to make an appointee, and they respected the history and tradition of this institution that says: Give nominees an up-or-down vote. Paez got that up or down vote and was confirmed.

So my deep concern is somehow we are involved in almost this Orwellian doublespeak today that we are talking about checks and balances in a process that has no relationship to what checks and balances have always meant. Again, our young people should understand that.

We have bent over backward to protect minority views in this Senate. When it comes to appointments, the majority has a right and a responsibility to act. Then all of us have the right to vote yes or no. Let's do the right thing. Let's uphold the tradition of this institution. Give people the right to get an up-or-down vote when they are nominated for a judicial office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COLEMAN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

## JUDICIAL NOMINATIONS

Mr. SALAZAR. Madam President, I come to this Chamber this morning to make a few comments in response to my colleagues from Minnesota, South Dakota, and Louisiana, concerning the judicial nomination process.

Let me say at the outset, I believe the work of this body and this Congress should be getting about the people's business. I believe this issue concerning the filibuster rule is something that is distracting this country and this Congress from doing what we should be working on.

In the Washington Post this morning, the headline story talks about the economic worries of America. The first two paragraphs of the article in the Washington Post read as follows:

> Inflation and interest rates are rising, stock values have plunged, a tank of gas induces sticker shock, and for nearly a year, wages have failed to keep up with the cost of living.
>
> Yet in Washington, the political class has been consumed with the death of a brain-damaged woman in Florida, the ethics of the House majority leader, and the fate of the Senate filibuster.

I would submit that we as a body have a responsibility to address the issues the people of this country care about. Those issues are about passing a transportation bill for America. Those issues are about getting an energy bill passed for the people of America that helps us get rid of our overdependence on foreign oil. Those issues are about making sure we address the most crippling issue affecting America today—and that is business and people alike—the issue of health care, which is bankrupting this country and many families throughout our States.

We get into this discussion here about what is happening with respect to judges. The fact is, what the majority is attempting to do is to simply break the rules. They are simply attempting to break the rules because they have the power.

Now, I live in an America that strongly supports the fact we have a power that was created by our Founding Fathers, distributed between the executive, with checks and balances, and the Congress, and different rules for the Senate. Part of that is assuring a guarantee when we make decisions for the American people, especially with respect to judges who have lifetime appointments, that we are appointing the very best people to those positions. The debate that is underway today concerning the so-called filibuster rule, from my point of view, is an effort to try to change the rules in midstream. It also is reflective of the abuse of power we see in Washington today. To be sure, when you look at the history of what has happened with judicial appointments in the last decade and a half or so, there have been 60 Democratic nominees from President Clinton who were rejected by this Senate. On the other hand, if you look at what has happened with President Bush's nominees, we have had over 96 percent of all of his appointees confirmed by the Senate.

Now, under anybody's scorecard, if you get a 96-percent success rate, I think you have done pretty well. You can ask my daughters, who are stellar students in their school; getting a 96-percent grade is pretty good. That is a much higher rating for President Bush's appointees than we had for prior Presidents.

So I would say this is not about these particular nominees. I have not yet taken my own position with respect to what I will do with these seven nominees. I will study their records, and I will make my decision based on those records. But, at the end of the day, this is whether we will uphold the cherished traditions of this Senate that have provided the kinds of checks and balances that have been important for this Senate to be able to function.

In my view, those rules force us, as Republicans and Democrats, to come together to work through the issues that are most important for our country. I believe the way this issue has been presented to this body and to the American people has been destructive not only to this body but also destructive to the real agenda on which we as the elected representatives of the people should be working.

That real agenda is about roads. It is about transportation. It is about energy. It is about health care. It is about the issues that affect every person every day. They are the kinds of issues that affect people when they get out of bed in the morning and wonder what is going to happen to their families, their children, and their parents. Those are the kinds of issues we should be working on as opposed to working on these kinds of very divisive issues.

## AFGHAN SECURITY FORCES STANDARDS AMENDMENT

Mr. SALAZAR. Madam President, I would like to speak a little bit about amendment No. 454, which was adopted unanimously by the Senate last night. I appreciate and thank Senators COCHRAN and BYRD for the time they have spent working with me on this amendment. I also note and appreciate the work of Senators MCCONNELL and LEAHY on this matter. Their staff members, Paul Grove and Tim Rieser, were very helpful.

It is clear that success in Iraq and Afghanistan is dependent on how well

and how fast we train security forces and police there. It is also clear that the faster and better we train these forces, the sooner our troops can come home.

This amendment is designed to ensure that the training in Afghanistan—for which this bill dedicates more than $600 million, including $44.5 million which is to be available only for the establishment of a pilot program to train local Afghan police forces—is handled well and is handled in an accountable fashion.

We have seen what happens when training is rushed or when accountability is ignored. The Haitian National Police, for which we spent hundreds of millions of dollars training in the 1990s, is all but disbanded. We are all familiar with the stories of mismanagement of police training in the Balkans. And just last week, Secretary Rumsfeld took an emergency trip to Baghdad to try to salvage some of the training we have done there as Shiite political leaders threaten to purge Sunni officials from the forces.

This amendment is meant to ensure that training in Afghanistan benefits from lessons learned and the mistakes of the past. It adds commonsense provisions to the $660 million appropriated for police and counternarcotics programs in Afghanistan. We need to take this step because the challenges we face in training a capable security and police force in Afghanistan are perhaps even more daunting than in Iraq.

First, Afghanistan is the world's largest producer of poppy, the raw material for heroine. It produces 80 percent of the world's heroine and, according to the United Nations, is currently producing dramatically more than it did under the control of the Taliban. Keep in mind that heroine use not only fuels crime throughout Europe and in the United States, but it funds terrorist organizations and is responsible for the looming AIDS crisis throughout eastern Europe.

Second, there are already several countries and organizations training forces in Afghanistan, including for the vitally important effort of counternarcotics. In fact, this difficult task of building a capable law enforcement system in that formerly ruler-less country is divided among the United States, Italy, Great Britain and several different international organizations.

And third, the way the administration has structured this program lends itself to confusion and competition among American agencies. The funding in the bill goes to the Department of Defense, but much of the police training will be handled by the State Department.

This amendment is an effort to make sure we can get the accountability our taxpayers deserve as well as the success that our national security demands.

I recognize good training will not be easy. I also understand that in post-conflict societies, it is often difficult to find good personnel. But I also recognize that we simply have to get better at how we train other people to take over security in their own countries.

The stress on our Armed Forces demands no less. The challenges facing U.S. taxpayers demand no less. And success in post-conflict societies demands no less.

Before coming to the U.S. Senate, I had the honor of serving our great State of Colorado as attorney general. In that job, I made homeland security my highest priority.

One of the responsibilities I had as attorney general was being chairman of the Peace Officers Standards and Training Board, POST. Given all that our police officers and their families give for us and for our State, the least I could do was to fight for additional training and support resources.

In 2003, we did that, and in exchange we asked for greater accountability. We did that, too, and the result has been a better trained and more accountable police force, not to mention a safer Colorado.

It has worked in Colorado and across this country. I believe with the adoption of this amendment we can start to make it happen in our police training overseas as well.

Madam President, I yield the floor and 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. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## POPE BENEDICT XVI

Mr. SALAZAR. Madam President, I want to take a moment this morning to discuss the election of Pope Benedict XVI as the leader of my church and the leader of the 1 billion Catholics in our world. I pray for him as he assumes this awesome responsibility for our church and for our world.

I have also been comforted by the comments we have heard from Pope Benedict XVI. We know we face some difficult challenges in the Catholic Church in the days and years ahead. We also know we as Catholics are not united on every issue. As I said on this floor after the passing of Pope John Paul the Great, we as Catholics are both comforted by our church's teachings and challenged by its demands. That will continue to be the case. And that is as it should be.

What is also true is what Pope Benedict XVI said yesterday. He said: Catholics ''look serenely at the past and do not fear the future.''

I was also touched by another thing the Pope said yesterday. In relation to John Paul the Great's efforts to reach out to other Christian faiths, Pope Benedict XVI said:

I am fully determined to accept every initiative that seems opportune to promote contact and understanding.

''I am fully determined to accept every initiative that seems opportune to promote contact and understanding.''

I am praying for those kinds of efforts. I hope each of us will take a moment this Sunday, the very day of the Pope's inaugural mass, to pause and reflect on how we can best live up to this challenge from Pope Benedict XVI.

Madam President, I yield the floor and 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. JOHNSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## JUDICIAL NOMINATIONS

Mr. JOHNSON. Madam President, as a Senator who has served in both the House of Representatives and the Senate, in both the majority and the minority in the House and both in the majority and the minority in the Senate, I am distressed at some of the rhetoric and debate that has gone forward relative to the role of the so-called filibuster rule or the nuclear option, as some people refer to it. It is my hope the debate can go forward in a more civil and thoughtful manner than has sometimes been the case up until now.

I have served—and it has been an honor to serve—in both bodies. Each of the bodies, the House and the Senate, has a respective and important role to play. One of the factors, however, that most distinguishes the Senate from the other body is the existence of the 60-vote rule, the so-called filibuster rule, which has the consequence of requiring both political parties to come to the center, to have some at least modicum of bipartisanship in the proposals they pursue, the nominees who are considered.

That is one of the great strengths of the Senate. I know it frustrates some who would like to see the Senate operate more as the other body does, where a one-vote margin is all that is essentially ever necessary. A rules committee further streamlines things. As a consequence, the other body tends to be and has been over the years most often a far more partisan body than the Senate.

The Founders designed the Senate with 6-year terms and a differing basis for selection as a body that would be the more thoughtful, more deliberative, would take the longer view of initiatives that are before the Congress. The Senate plays a very important role.

There is too much partisanship in Congress. I have the honor of representing South Dakota, a State some would describe as a dark red State that President Bush won by a large margin this last time. I am very proud of the

Republican support that has been extended to me over the years I have had the honor of serving in the House and the Senate. The people of South Dakota are tired and grow weary of the intensity of the partisanship that too often exists in Washington, DC. The people of South Dakota want to see both sides brought together to govern as Americans rather than as Republicans or Democrats. That is not asking too much, for the traditions and the historic rules that have existed in this body that encourage bipartisanship should remain.

This notion that somehow in the midst of Congress rules that have been in place for generations should be eliminated and the bipartisan mandate they allow for should be eliminated is a step in the wrong direction.

One of the consequences of the 60-vote rule is it takes both parties by the scruff of the neck, brings them together and says: You will have to reach across the aisle and cooperate, coordinate with your colleagues from the other political party, whether or not you like it. That has been a very valuable asset to the Senate and, again, one of the things that distinguishes the debate and deliberation and progress of legislation in the Senate from what transpires with our colleagues in the other body.

There is too much division in America today. There is too much partisanship. The rhetoric has grown far too bitter. It has grown far too extreme. What America wants, and what I believe my constituents want, is more governing from the center. Most South Dakotans and most Americans recognize neither party has all the answers, neither party has all the good or bad ideas, and we are governing best when we come together in the political center. That will leave the far left and the far right unhappy. They are unhappy most of the time, anyway. But I do think governing from the center, which the 60-vote rule requires, is one of the great strengths of the Senate.

It would be a horrible mistake for this body to discard that bipartisan mandate that rule imposes on this body. A loss of bipartisanship would not only affect the consideration of judges, but the precedent would certainly be in place to affect consideration of all other legislation as well.

Keeping in mind that this body, even with that rule in place, has approved some 205 Federal judges nominated by President Bush, has rejected roughly 10, and that we have one of the lowest judicial vacancy rates in American history right now—in fact, about 60 percent of all Federal appellate judges are appointees of Republican administrations over the last number of years—to suggest somehow there is a crisis with judges is a fabrication, frankly. It is simply untrue.

Judges are being considered, voted on, approved at a record rate. In fact, all of these judges have had up-or-down votes as opposed, sadly, to the experience during the Clinton administration where some 60 of his nominees never received a hearing or a vote. In this case every nominee has received a vote in committee and on the floor, albeit that vote on the floor is consistent with the 60-vote parliamentary rule of the Senate which does require both sides to come together in the center.

Clearly, President Bush can have the approval of 100 percent of his judges. All he has to do is to nominate conservative Republican judges who are part of the conservative mainstream of America, a very broad range of discretion that he has. Those judges will be confirmed, as have the 200 plus who have routinely been confirmed by this body.

The Senate does have a constitutional obligation of advice and consent on these lifetime appointments. That is one of the reasons why this issue is so profoundly important, because this is not simply a legislative matter that will come and go and be reconsidered at another time. We are considering the appointments of people to high office for a lifetime. It is imperative the Senate insist that each of these individuals, men and women, be part of the political and judicial mainstream of America, albeit we have a Republican President, and certainly he will nominate conservative Republican judges, as well he ought, and they will be approved in a routine manner as over 200 have already.

But there is an importance that the nominees do fall within the political mainstream, and the one test to see to it that is the case is the 60-vote margin rule where no judge, regardless of what their political background or judicial background might be, can be approved unless, in fact, there is some modest bipartisan support, not an overwhelming consensus.

Nobody is suggesting a 90-percent rule or 75-percent rule or even the 66-percent rule which used to be the case for filibusters some years ago but that there be a 60-vote margin. I don't think that is asking too much in the name of bipartisanship, in the name of requiring both parties to come together, and in the name of diminishing the level of partisan hardball that characterizes the other body and to some degree has infected the debate and the rhetoric even here in the Senate.

Having witnessed the political dynamic in both bodies, having had the honor to serve in both bodies, having been in both the majority and minority, because the rule we are talking about of bipartisanship should prevail regardless of whether Republicans or Democrats are in the majority or the minority, having witnessed all of that and knowing where my constituents come from in terms of growing weary of the partisanship and the political efforts in Washington, DC, to jam one idea past another without the need for deliberation, without the need for give and take between the two parties, I have to believe we ought to reject the strategies that will play into the hands of the far left or the far right and continue the historic rules that have been in place for the Senate which, in fact, not only encourage but require at least a modest level of bipartisanship and deliberative thinking when we consider legislation or lifetime appointments to the U.S. courts.

It is my hope cooler heads will prevail, that the historic rules of this body will prevail, and that the Senate will continue to play the incredibly important and unique role it has throughout 200 years of American history. That is a body where the hot rhetoric of the day is set aside and the two political parties are required to come together, to approach issues in a more thoughtful, more deliberative and bipartisan fashion. We would be a poorer nation, indeed, were it not for that kind of bipartisan mandate that the current rules of the Senate insist upon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, how much time is remaining?

The PRESIDING OFFICER. There is 4 minutes remaining.

Mr. DURBIN. Madam President, I ask unanimous consent for an additional 6 minutes—I believe the majority party had about that added to their morning business—if there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I thank my colleague from South Dakota who just spoke. I just left the Senate Judiciary Committee of which I have been a member for a number of years. It is not just an ordinary meeting of the committee today; it is a historic meeting. It is a meeting I am sure, when they chronicle this episode in the history of the Senate, they will point to as a catalyst for a constitutional confrontation, the likes of which the Senate has never seen in its history. Let me tell you what is going on.

Many times in the history of this country, a President with a popular mandate comes to Washington in their second term unhappy with the judiciary, unhappy with judges who do not see the world as they do. These Presidents come to the conclusion that with their popular mandate, with their majorities in Congress, they can change the Constitution, they can change the courts.

It is happening with President Bush, but he is not the first President who has been through this experience. President Thomas Jefferson, in the beginning of his second term, so angry over the opposition party that controlled judgeships, tried to impeach a member of the U.S. Supreme Court. He brought the issue to the floor of the Senate, to a floor that was dominated by his own political party, and said: Give me the power to get rid of these outrageous judges. His party turned on him and said: No, the Constitution, Mr. President, is more important than your

power. We reject your notion that you can pack the Supreme Court with friendly judges.

Thomas Jefferson was not the last. A President whom I honor and venerate, Franklin Delano Roosevelt, in the beginning of his second term came to the White House with this large popular mandate and, in frustration, said: I am sick and tired of the ideas of the New Deal being killed in that Supreme Court. Give me the power as President, Franklin Roosevelt said, and I will replace and add to the membership of that Supreme Court until we get Justices who think like I do.

He came to this Senate, this Chamber, dominated by Members of his own political party, and said: Stand with me. You voted for the New Deal, now stand with me. We are going to make sure the Supreme Court goes along. And his party said no. They said: Franklin Roosevelt, the Constitution is more important than your power as President. We will stand by the Constitution. You are wrong, Mr. President.

But look what is happening today. President Bush, not content to have 95 percent of his judicial nominees approved by this Senate, has now said: This Republican Party is going to change the rules of the Senate, change the constitutional principles that have guided us so that President Bush can have every single judicial nominee approved by the Senate, bar none.

So what will happen in a Senate dominated by the President's party? Will they rise in the tradition of Thomas Jefferson's Senate? Will they rise in the tradition of Franklin Delano Roosevelt's Senate? Will they, as the President's party, stand up and say: The Constitution is more important than the power of any President? Sadly, it appears they will not. They are lapdogs as the President is demanding this power. They will come to the Senate with the so-called nuclear option. It is a good name. It is a good name because it signifies the importance and gravity of what they will do.

The first thing they have to do is break the rules of the Senate. If you want to change a Senate rule, you need 67 votes. They do not have 67 votes to give President Bush this unbridled power, so they will break the rules of the Senate with a so-called point of order to change the rules of the Senate and to say that this President, unlike any other President in history, will not have his judicial nominees subject to the rules of the Senate as we know them.

Oh, they argue, this opposition to President Bush's nominees is unprecedented. Nobody has ever used the filibuster on a judicial nominee. That is what they say. But they are wrong. It has happened 11 times. Most recently the Republicans used the filibuster against President Clinton's nominees. They have done it. They have done it because the rules allowed them to do it. And now, in the middle of the game, they want to change the rules and diminish the power of the Senate and attack the principle of checks and balances.

The reason this great democracy has survived longer than any in history is that we have this tension between the branches of Government—the power of the Presidency checked by the power of Congress checked by the power of the judiciary—and this tension among the three branches of Government has given us this democracy that has survived while others have failed. Yet the majority party, the Republican Party in the Senate, would walk away from that fundamental principle, for what? For what? So that this President can have every single judicial nominee without fail? Madam President, 95 percent is not enough? And 205 out of 215 is not enough?

I have stood with my colleagues and voted against some of these nominees. I will do it again. These are men and women far outside the mainstream of American political thought. They have been pushed to the forefront by special interest groups demanding they get lifetime appointment on a court in America to make decisions that will affect everyone—every family, every worker, the air we breathe, and the privacy we revere.

What is the agenda? We hear this agenda. It is spelled out in detail by Congressman TOM DELAY of Texas. He threatens the judiciary: We are going to dismantle them if they don't agree with me, he says. TOM DELAY is going to set the standard for judges in America? This man who was pushing through the Terry Schiavo case, defying 15 years of court decisions, defying the wishes of that poor woman's family? He was so angry when the Federal judges did not agree with him, he said: We will get even with you. That is what this is about.

So judicial nominees will come to the floor who will be approved who will follow the TOM DELAY school of thinking, who will follow something far outside the mainstream of America.

We need to have bipartisanship. We need balance. We need fairness. We need to say to a President of any political party: As powerful as you may be, you are never more powerful than our Constitution. The Constitution, which is the one commonality in the Senate, of all the things we argue about and all the things on which we disagree, we—each and every one of us—stand proudly next to that well, raise our hands, and swear to uphold and defend the Constitution of the United States.

To my colleagues and friends who are following this debate, the constitutional crisis we are facing is unnecessary. If the President's own party has the courage that Thomas Jefferson's party had, that Franklin Roosevelt's party had, they would say to the President: You have gone too far. The Constitution is more important than any President. But, sadly, we are on a path to this crisis.

If it occurs—and I hope it does not—it is going to change this body. It is going to change it dramatically. The Senate is so much different from the House. The Senate is successful because each and every day you will hear said over and over, ''I ask unanimous consent.'' Unanimous consent is just as the phrase suggests—any Senator can object. But it seldom occurs because we agree to move forward together—Democrats on this side, Republicans on the other side—move forward with the people's business. But if the Republican majority pushes through this constitutional confrontation, destroys this tradition of the Senate, assaults the principle of checks and balances, then the courtesy, the comity, and the cooperation which makes this such a unique institution is in danger.

I hope that cooler minds will prevail. I am heartened by the fact that Senator JOHN MCCAIN, a leading Republican, has stood up and begged his fellow Republican colleagues: Don't do this. The Senate and its traditions and the Constitution, Senator MCCAIN says, are more important than any President or any party.

I am confident the Judiciary Committee will send this nomination of Priscilla Owen of Texas to the floor. I hope that once it reaches the calendar, cooler minds will prevail and all of us who have sworn to uphold this Constitution will honor it by our actions on the floor of the Senate.

## EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the period for morning business be extended until 12 noon, with 45 minutes under the control of Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. 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. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank the floor schedulers for reserving time for me this morning. I had hoped to be here at 11:15, but I have been chairing an executive business meeting of the Judiciary Committee where we voted on the nominations of Justice Owen and Justice Brown. Not unexpectedly, it went over the planned 11:15 conclusion, but I do appreciate the allocation of time. I asked for 45 minutes for a presentation, which I am about to make.

Mr. SPECTER. Mr. President, I seek recognition today to address the subject of Senators' independence and dissent. As members of political parties,

we owe loyalty to the party that helped get us elected and which enables us to join together to achieve broad policy objectives. Historically, we have found our system of Government functions best with a two-party system. But as part of that historical perspective, we have simultaneously seen loyalty to our Nation take precedence to loyalty to party. At certain junctures of American history, the fate of our system of Government has rested on the ability of Members of this body to transcend party loyalty for the national interest. I believe the Senate currently faces such a challenge between party line voting on filibusters and potential voting on the constitutional, or so-called nuclear option.

I have watched the issue on confirmation of Federal judges fester and become exacerbated as each party has racheted up the ante beginning with the last 2 years of President Reagan's administration when Democrats took control of the Senate and continuing to the present day.

In 1987, upon gaining control of the Senate and the Judiciary Committee, on which I have served since being elected in 1980, the Democrats denied hearings to seven of President Reagan's circuit court nominees and denied floor votes to two additional circuit court nominees. As a result, the confirmation rate for Reagan's circuit nominees fell from 89 percent prior to the Democratic takeover to 65 percent afterwards. While the confirmation rate decreased, the length of time it took to confirm judges increased. From the Carter administration through the first 6 years of the Reagan administration, the length of the confirmation process for both district and circuit court seats consistently hovered at approximately 50 days. For President Reagan's final Congress, after the Democrats took control, the number doubled to an average of 120 days for these nominees to be confirmed.

The pattern of delay and denial continued through 4 years of President George H.W. Bush's administration. President Bush's lower court nominees waited, on average, 100 days to be confirmed, which was about twice as long as had historically been the case. The Democrats also denied committee hearings for more nominees. President Carter had 10 nominees who did not receive hearings. For President Reagan, the number was 30. In the Bush Sr. administration, the number jumped to 58.

When we Republicans won the 1994 election and gained the Senate majority, we exacerbated the pattern of delaying and blocking nominees. Over the course of President Clinton's presidency, the average number of days for the Senate to confirm judicial nominees increased even further to 192 days for district court nominees and 262 days for circuit court nominees. Through blue slips and holds, 70 of President Clinton's nominees were blocked. When it became clear that the Republican-controlled Senate would not allow the nominations to move forward, President Clinton withdrew 12 of those nominations and chose not to renominate 16.

During that time I urged my Republican colleagues on the Judiciary Committee to confirm well-qualified Democratic nominees. For example, I broke ranks with many of my colleagues on the Republican side to speak and vote in favor of the confirmation of Marsha Berzon and Richard Paez, both to the Ninth Circuit Court of Appeals. While many of my Republican colleagues criticized me for voting for Berzon and Paez, I thoroughly reviewed their records and determined that both were qualified for the positions to which they had been nominated. While I did not agree with Ms. Berzon and Mr. Paez on every issue, I realized the importance of working toward solutions when the Senate is at an impasse on a nomination.

After the 2002 elections with control of the Senate returning to Republicans, the Democrats resorted to the filibuster on ten circuit court nominations, which was the most extensive use of the tactic in the Nation's history. The filibusters started with Miguel Estrada, one of the most talented and competent appellate lawyers in the country. The Democrats followed with filibusters against nine other circuit court nominees. During the 108th Congress, there were 20 cloture motions on ten nominations. All 20 failed.

To this unprecedented move, President Bush responded by making for the first time in the Nation's history two recess appointments of nominees who had been successfully filibustered by the Democrats. That impasse was broken when President Bush agreed to refrain from further recess appointments.

Against this background of bitter and angry recriminations with each party serially trumping the other party to ''get even'' or, really, to dominate, the Senate now faces dual threats, one called the filibuster and the other the ''constitutional'' or ''nuclear'' option, which rival the US/USSR confrontation of mutual assured destruction. Both situations are accurately described by the acronym ''MAD'', which was used for the confrontation between our Nation and the Soviet Union.

We Republicans are threatening to employ the ''constitutional'' or ''nuclear'' option to require only a majority vote to end filibusters. The Democrats are threatening to retaliate by stopping the Senate agenda on all matters except national security and homeland defense. Each ascribes to the other the responsibility for ''blowing the place up.''

The gridlock occurs at a time when we expect a U.S. Supreme Court vacancy within the next few months. If a filibuster would leave an 8-person court, we could expect many 4-to-4 votes since the Court now often decides cases with 5-to-4 votes. A Supreme Court tie vote would render the Court dysfunctional, leaving in effect the circuit court decision with many splits among the circuits, so the rule of law would be suspended on many major issues.

On these critical issues with these cataclysmic consequences, I urge my colleagues on both sides of the aisle to study the issues and to vote their consciences independent of party dictation. I have not rendered a decision on how I would vote on the constitutional/nuclear option, but instead have been working to break the impasse by confirming or rejecting the previously filibustered nominees by up or down votes.

As Chairman of the Judiciary Committee, I selected William Myers as the first of the filibustered judges to be reported out of Committee for Senate floor action. Two Democrats, Senator JOE BIDEN and Senator BEN NELSON, had voted in the 108th Congress to end the filibuster on Mr. Myers, and Senator KEN SALAZAR made a campaign promise to support an end to the Myers filibuster, although he has since equivocated on that commitment. Being only 2 or 3 votes shy of 60, 55 Republicans plus presumably two or three Democrats, I thought Myers had a realistic chance for confirmation.

With any judicial nominee, or any Senators for that matter, opponents can pick at their record. On the totality of his record, as demonstrated at two hearings and the Judiciary Committee Executive session, Myers is qualified for confirmation. Beyond the issue of his own qualifications, his conservative credentials would lend some balance to the Ninth Circuit.

The Democrats have signaled their intent not to filibuster Thomas Griffith or Judge Terrence Boyle which may help to diffuse the situation. In addition, intensive efforts are being made to clear three of President Bush's nominees for the 6th Circuit. If enough of the President's nominees can be confirmed, we may be able to deflate the controversy without a vote on the constitutional/nuclear option. That is what I am trying to do in my capacity as chairman of the Judiciary Committee.

In due course, I will have more to say about the other pending Bush nominees; but for now, I only urge my colleagues to be independent and to examine the nominees' records on the merits without having their votes determined by party loyalty.

The fact is that all, or almost all, Senators want to avoid the crisis. I have had many conversations with my Democrat colleagues about the filibuster of judicial nominees. Many of them have told me that they do not personally believe it is a good idea to filibuster President Bush's judicial nominees. They believe that this unprecedented use of the filibuster does damage to this institution and to the prerogatives of the President. Yet despite their concerns, they gave in to

party loyalty and voted repeatedly to filibuster Federal judges in the last Congress.

Likewise, there are many Republicans in this body who question the wisdom of the constitutional or nuclear option. They recognize that such a step would be a serious blow to the rights of the minority that have always distinguished this body from the House of Representatives. Knowing that the Senate is a body that depends upon collegiality and compromise to pass even the smallest resolution, they worry that the rule change will impair the ability of this institution to function.

The importance of independence was noted on November 3, 1774 in a speech of historical importance to the Electors of Bristol by Edmund Burke, a Member of the British Parliament:

''. . . his (the legislators) unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.''

President John F. Kennedy, while a member of this body, wrote Profiles in Courage which cities the roles of courageous Senators who chose the national good over party loyalty. He summed it up on one of his famous quotations: ''Sometimes party loyalty asks too much.''

As President Kennedy wrote in the introduction to his book:

Of course, both major parties today seek to serve the national interest. They would do so in order to obtain the broadest base of support, if for no nobler reason. But when party and officeholder differ as to how the national interest is to be served, we must place first the responsibility we owe not to our party or even to our constituents but to our individual consciences.

Kennedy further noted, in words which ring as true today as they did decades ago:

Today the challenge of political courage looms larger than ever before. For our everyday life is becoming so saturated with the tremendous power of mass communications that any unpopular or unorthodox course arouses a storm of protests such as John Quincy Adams—under attack in 1807—could never have envisioned. Our political life is becoming so expensive, so mechanized and so dominated by professional politicians and public relations men that the idealist who dreams of independent statesmanship is rudely awakened by the necessities of election and accomplishment.

Continuing, Kennedy wrote:

Of course, it would be much easier if we could all continue to think in traditional political patters—of liberalism and conservatism, as Republicans and Democrats, from the viewpoint of North and South, management and labor, business and consumer or some equally narrow framework. It would be more comfortable to continue to move and vote in platoons, joining whomever of our colleagues are equally enslaved by some current fashion, raging prejudice or popular movement. But today this nation cannot tolerate the luxury of such lazy political habits. Only the strength and progress and peaceful change that come from independent judgment and individual ideas—and even from the unorthodox, and the eccentric—can enable us to surpass that foreign ideology that fears free thought more than it fears hydrogen bombs.

Beyond his stirring words, Kennedy provides us examples. John Quincy Adams' faced such a controversy when English ships seized American ships and conscripted American sailors who could not ''prove'' that they were not British subjects. Adams, a Federalist, was incensed. Ultimately, he voted with President Jefferson and the Republicans to enact an embargo against Great Britain. Yet most other Federalists, including those in Adams' home state of Massachusetts, preferred to make excuses for the British behavior and urge caution. Realizing the political suicide he was committing, Adams remarked to a friend, ''This measure will cost you and me our seats but private interest must not be put in opposition to public good.'' His prediction was right. He lost his seat.

Kennedy recounts further in ''Profiles in Courage,'' how Senator Thomas Hart Benton, a Democrat from the slave-holding state of Missouri, elevated his love of the Union and his belief in manifest destiny over populist notions of secessionist Southern states. Though Benton owned slaves and was one of the few Senators to bring them with him to his Washington home, he refused to speak in favor of or against slavery in emergent states such as California and New Mexico, as they were added to the Union. Benton was known for his fiery rhetoric and independent streak throughout his thirty years in the Senate. In a prescient, foreboding statement, one of Benton's Missouri contemporaries remarked, ''[a]t an early period of [Benton's] existence, while reading Plutarch, he determined that if it should ever become necessary for the good of his country, he would sacrifice his own political existence.'' Senator Benton did exactly that.

Courageous Senators and this institution as a whole resisted great political pressure to reject steps that would have threatened the separation of judicial powers and the independence of the President. These instances were the 1804–1805 impeachment and trial of Associate Justice Samuel Chase and the 1868 impeachment of President Andrew Johnson.

Republicans under Thomas Jefferson sought to have Associate Justice Samuel Chase of the United States Supreme Court impeached in 1804. The outcome of Justice Chase's trial would largely determine whether the judiciary could remain independent or become a subordinate branch of government where justices looked to the legislature for patronage and job security.

It was Justice Chase's penchant for politicking and expressing Federalist views from the bench that got him in trouble.

Justice Chase was tried before the Senate. Aaron Burr, the controversial Vice President who was wanted in two states for his dueling homicide of Alexander Hamilton, presided at the hearing. During closing arguments, Justice Chase's counsel, Luther Martin, a Maryland delegate to the Constitutional Convention, predicted the outcome and noted the wisdom of the Founding Fathers in the constitutional provision giving the Senate the power to try and decide cases of impeachment. There were Senators in the Chase impeachment proceeding who transcended the pressures of their party, and bravely cast votes of ''not guilty'' for Justice Chase, thereby protecting the independence of the U.S. Judiciary.

A similar great example of Senate independence occurred in the impeachment trial of President Andrew Johnson. President Johnson achieved the ire of the Congress, and the public generally, when he suspended the Secretary of War, Edwin Stanton, in violation of the 10-year Oath-of-Office Act which passed over the President's veto. That legislation prevented the President from removing, without the consent of the Senate, all new officeholders whose appointments require confirmation of that body. Public opinion ran very high against President Johnson.

In ''Profiles in Courage,'' Senator KENNEDY again described the unfolding drama:

To their dismay, at a preliminary Republican caucus, six courageous Republicans indicated that the evidence produced so far was not in their opinion sufficient to convict Johnson . . .

There were public outcries and party outcries against the deviation from their party loyalty. The party said: ''All must stand together!'' All but one Republican Senator announced their opinions. One who would not was Edmond G. Ross of Kansas.

The Radicals were outraged that a Senator from such an anti-Johnson stronghold as Kansas could be doubtful. Indeed, despite public clamor and partisan outcry against him, Senator Ross was resolute in his unwillingness to signal his thoughts in advance of the ultimate vote on the Articles of Impeachment. As the impeachment trial droned on, he remained the only unknown voter among Republican Senators.

Ross ultimately voted not guilty, in defiance of party loyalty. Reflecting on what colored his odd voting pattern, given his disdain for President Johnson, and his near mechanical party loyalty until that single moment, Ross said, in historic words:

In a large sense, the independence of the executive office as a coordinate branch of government was on trial. . . . If . . . the President must step down . . . a disgraced man and a political outcast . . . upon insufficient proofs and from partisan considerations, the office of President would be degraded, cease to be a coordinate branch of the government, and ever after subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy. . . . This government had never faced so insidious a danger . . . control by the worst element of American politics.

Ross went on to say:

If Andrew Johnson were acquitted by a nonpartisan vote . . . America would pass the danger point of partisan rule and that intolerance which so often characterizes the sway of great majorities and makes them dangerous.

Mr. President, I know morning business has expired. But in the absence of any other Senator seeking recognition, I ask unanimous consent to proceed for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, independence and dissent from the majority view has a great tradition in our country, further exemplified by independent, thoughtful U.S. Supreme Court Justices who formulated important legal principles which were later embraced as the law of the land.

In a series of powerful and famous dissents, Justice Oliver Wendell Holmes and Justice Louis Brandeis, articulated a logic so compelling that it became the majority view within a generation. Their examples serve as a reminder of the importance of dissent and independence.

As a law student, I was inspired by Justice Holmes's dissent in Abrams v. United States, when he wrote:

But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes can be successfully carried out. That, at any rate, is the theory of our constitution.

The theme of free-thought and independence, so artfully articulated by Justice Holmes, is also the foundation of ''Profiles in Courage.'' I think the essence of that theme was best summarized by then-Senator John Kennedy, when he said:

Foreign ideology . . . fears free thought more than it fears hydrogen bombs.

Free thought is the ultimate road to truth. Free thought is the energy that drives the political machine that leads to good public policy in our society. Free thought, and its companion, freedom of speech and assembly and press, are the core attributes of democracy that are today taking root around the world.

''Free trade in ideas'' cannot flourish when Senators are constrained to follow a political party's edict. When the merits of individual judicial nominees are debated and considered, without the counter-marjoritarian filibuster preventing resolution, only then do we achieve Holmes's ''best test of truth.'' Similarly, if the constitutional/nuclear option is debated and considered without adherence to the party line, we will pursue the tested process to find the truth that is ''the only ground upon which [our] wishes can be successfully carried out.''

The value of independence, expressed in the dissenting opinions of Holmes and Brandeis, called public attention to values which later became the pillars of our democracy. Dissenting in Olmstead v. United States, Justice Brandeis said:

The makers of our Constitution conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the [Constitution].

That view of the most basic ''right to be let alone'' later became the pillar of civil rights in our society in many contexts. It is the foundation of today's debate on the Patriot Act where representatives of the political right and the political left reference that value as the barometer of the balance of governmental power to provide for our Nation's security.

The Holmes/Brandeis independent views, expressed in Supreme Court dissents, later became the law of the land on such important issues as freedom of speech, prohibiting child labor, limiting working hours, and peremptory challenges in criminal cases.

These illustrations of Senatorial and judicial independence demonstrate the value of free thinking in deciding what is best for our Nation's long-range interests. Central to the definition of deliberation is thought. And we pride ourselves on being the world's greatest deliberative body. And thought requires independence—not response to party loyalty or any other form of dictation. The lessons of our best days as a nation should serve as a model today for Senators to vote their consciences on the confirmation of judges and on the constitutional/nuclear option.

If we fail, then I fear this Senate will descend the staircase of political gamesmanship and division. But if we succeed, our Senate will regain its place as the world's preeminent deliberative body.

I thank the Chair and thank my colleagues and yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAHAM). Morning business is closed.

## EXECUTIVE SESSION

### NOMINATION OF JOHN D. NEGROPONTE TO BE DIRECTOR OF NATIONAL INTELLIGENCE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for the consideration of calendar No. 69, which the clerk will report.

The legislative clerk read the nomination of John D. Negroponte, of New York, to be Director of National Intelligence.

The PRESIDING OFFICER. Under the previous order, there will be 4 hours of debate equally divided between the two leaders or their designees, and the Democratic time will be equally divided between the Senator from West Virginia, Mr. ROCKEFELLER, and the Senator from Oregon, Mr. WYDEN.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank you.

Mr. President, as chairman of the Senate Select Committee on Intelligence, I rise today in strong support of the nomination of Ambassador John D. Negroponte to serve as our Nation's first Director of National Intelligence.

The committee held Ambassador Negroponte's confirmation hearing on Tuesday, April 12, and voted favorably to report his nomination to the full Senate on Thursday, April 14.

Now, the speed with which the committee acted upon this nomination and the nomination of LTG, soon to be four-star general, Michael Hayden, to be the Principal Deputy Director of National Intelligence, really underscores the importance the committee, and I believe the Senate, places on continuing and ensuring reform of our Nation's intelligence community and, as a result, our national security.

While our intelligence community has a great number of successes—let me emphasize that—of which intelligence professionals should be justifiably proud—and the problem here is that when we have successes in the intelligence community, many times either the community or those of us who serve on the committee or those who are familiar with those successes cannot say anything about them because it is classified—but the intelligence failures associated with the attacks of 9/11 and the intelligence community's flawed assessments of Iraq's WMD programs underscored the need for fundamental change across the intelligence community.

In my years on the Senate Intelligence Committee, I have met many of these hard-working men and women of the intelligence community who work day in and day out with one goal in mind; that is, to keep this Nation secure and our people safe.

They are held back, however, by a flawed system that does not permit them to work as a community to do their best work. So we need to honor their commitment and their sacrifices by giving them an intelligence community worthy of their efforts and capable of meeting their aspirations and our expectations of them.

So responding to that demonstrated need for reform, Congress really created the position of Director of National Intelligence with the intent of giving one person the responsibility and authority to provide the leadership that the Nation's intelligence apparatus has desperately needed and to exercise command and control across all the elements of the intelligence community.

In short, through legislation, we created the DNI, the Director of National Intelligence, to provide the intelligence community with a clear chain of command and the accountability that comes with that.

To facilitate that chain of command, and to foster accountability, the National Security Intelligence Reform Act of 2004 gave the DNI significant management authorities and tools, including expanded budget authority, acquisition, personnel, and tasking authorities.

These authorities, however, are limited in significant ways, and the legislation leaves certain ambiguities about the DNI's authorities.

As a result, there are questions about the DNI's ability to bring about the kind of change and true reform necessary to address the failures highlighted by the 9/11 attacks and the assessments of Iraq's WMD programs.

So the task of resolving these ambiguities and questions will fall to the first Director of National Intelligence. As the WMD Commission pointed out in its recent report, the DNI will have to be adept at managing more through resource allocation than through command.

Moreover, the first DNI will define the power and scope of future Directors of National Intelligence and will determine, in large measure, the success of our efforts to truly reform the intelligence community.

Bringing about that reform is not going to be easy. Numerous commissions—many commissions—have identified the same failings as those that resulted in the legislation that created the DNI. Yet previous reform efforts have proven largely fruitless.

So immune to reform is the intelligence community that the WMD Commission described it as a ''closed world'' with ''an almost perfect record of resisting external recommendations.''

Allow me to relay one example to demonstrate this point.

Over 3 years have passed since the September 11 attacks, and the elements of the community have not made the progress that we want in sharing intelligence data amongst the community. The distinguished vice chairman and I call that ''information access.''

Elements within the intelligence community, unfortunately, continue to act—some elements—as though they own the intelligence data they collect rather than treating that data as belonging to the U.S. Government.

As a result of the community's failure to repudiate outdated restrictions on information access, and its refusal to revisit legal interpretations and policy decisions that predate the threats now confronting the United States, impediments to information access are reemerging—reemerging, even today—in the very programs designed to address the problem.

Clearly, then, the Nation's first Director of National Intelligence will face tremendous challenges and will require unwavering support from both Congress and the White House.

I am pleased President Bush has made it very clear that the DNI will have strong authority in his administration. We in Congress must do our part, and we begin with the nomination of Ambassador Negroponte.

The President has made an excellent choice in choosing the Ambassador to serve as the first DNI. He has dedicated more than 40 years of service to our country. Over the course of his public service career, the Senate has confirmed him seven times, including five times for ambassadorial positions in Honduras, Mexico, the Philippines, the United Nations and, of course, most recently in Iraq. Ambassador Negroponte has also held a number of key positions within the executive branch, including serving as Deputy National Security Advisor.

In short, his career has been dedicated to intelligence and national security matters, and he has a great deal of experience to offer as the new Director of National Intelligence. He is well suited for this position. I look forward to working with him.

In my discussions with Ambassador Negroponte, I have made it clear that Congress and the American people expect him to make a difference in the intelligence community. I must say, on behalf of the Senate Select Committee on Intelligence and on behalf of my vice chairman and myself, we have promised to conduct aggressive, preemptive oversight in regard to helping the DNI answer the challenges he will face with regard to the capabilities we have or do not have with regard to the intelligence community.

We expect him to break down those barriers to information access I alluded to earlier. We expect him to improve the human intelligence capabilities we need. And ultimately, we expect him to provide leadership and accountability. In response to these questions, during his confirmation hearing, the Ambassador simply responded ''I will'' with conviction.

Clearly Ambassador Negroponte will face significant challenges. He is going to carry heavy burdens. I am convinced, however, he has the character, the expertise, and the leadership skills required to successfully meet these challenges and to shoulder these responsibilities.

I urge my colleagues to support this nomination, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I join with the chairman of the Intelligence Committee in what he has said. Today the Senate is considering the nomination of Ambassador John Negroponte to become the Nation's first Director of National Intelligence. Personally, I strongly support this nomination, and I will discuss the reasons why in a moment.

First, however, as the chairman did, I am going to take a few minutes to describe how critical this new position is to our country and its future, the magnitude of the challenges Ambassador Negroponte will face.

In 1947, Congress created the Central Intelligence Agency and the Director of Central Intelligence. The Cold War was upon us and the Nation needed intelligence about our new adversary. The structure we put in place at that time to keep tabs on the Soviet Union grew and took on additional missions over the next 40 years. But the intelligence community stayed primarily focused on that one target of the Soviet Union.

Then in 1990, the Soviet Union dissolved. The world changed dramatically, but our intelligence organizations for the most part did not. As a consequence, we have for the past 15 years made do with an intelligence system designed to penetrate and collect information about a single static adversary. There was no one in charge to force change from within, and before September 11 of 2001, there was little impetus for change from without.

The National Security Act of 1947, the genesis of all of this, designated the DCI to serve as the head of the Central Intelligence Agency, also the principal adviser to the President on intelligence matters, and the head of the U.S. intelligence community—all three of those assignments.

The Director of Central Intelligence ran the CIA, advised the President, but, frankly, never exercised the third responsibility, which is probably the most important other than advising the President, and that is managing the intelligence community itself.

Even after the events, tragic though they might have been, of 9/11, it took 3 years, two major investigations of those events, and the stunning intelligence failures prior to the Iraq war to break through the entrenched interests and to achieve reform that created the position of director of something called national intelligence, all of it.

The difficulty involved in the birth of this new office serves as a warning for the challenges that the Ambassador, if confirmed, as I hope he will be, will face. Bureaucracies are amazingly slow to change. That doesn't say anything bad about the people. That is the way the world works, whether it is corporate, private, or whatever. The bureaucracies are tenacious in defending their turf. Some of the stories are remarkable within the 15 intelligence agencies the Ambassador will have to oversee. Reform of the intelligence community will involve stepping on the turf of some of the most powerful bureaucracies in Washington. And first and foremost among those is the Department of Defense.

Eighty percent of our intelligence spending is in the DOD budget. The incoming Director of National Intelligence will have to quickly establish a close working relationship with the Secretary of Defense, but it must be a

relationship of equals, and Ambassador Negroponte must be willing to exercise the authority given him by the legislation and the President when he and the Secretary differ. In effect, the Director of National Intelligence supersedes the head of the Department of Defense.

Ambassador Negroponte also will encounter and need to manage the CIA, an organization accustomed to operating with tremendous autonomy, a world unto itself. Some of these agencies, such as the National Security Agency—they are called NSA—get acronyms, ''no such agency''—that is part of the way their world operates. That is not to denigrate them, their public service, their public commitment, their willingness to offer up their lives for their country. But bureaucracy of a huge magnitude it surely is.

Then there is the FBI, an agency which is dominated by its law enforcement history and struggling to make itself into a full partner in the intelligence community. Some question whether that can be done; my mind is still open to it. They are trying. Most people say it is working at the top but not in the middle, because if you are a lawyer, you have a yellow pad, you go arrest somebody for breaking the law. If you are an intelligence officer, you find somebody you are suspicious of, and you don't arrest that person. You surveil that person, you trail that person, maybe for weeks, months, to find out where that person takes you and what intelligence we can learn from that.

But these are powerful organizations with very proud histories. They are populated by dedicated and talented public servants who have contributed to our security for decades. But our needs are now different. All of these agencies now must change the way they do business.

Ambassador Negroponte takes charge at a time when the intelligence community is reeling from criticism for the lapses prior to 9/11 and the significant failures related to prewar intelligence on Iraq.

The chairman and I worry about that because it affects morale. One doesn't want to affect morale. But on the other hand, intelligence agencies have to reflect the current needs of this country and act accordingly.

The loose amalgam of 15 intelligence agencies needs a leader who can change not simply the boxes on an organizational chart but the way we do intelligence. The different agencies traditionally have collected intelligence from their sources, analyzed it, put it into their databases, and then shared it as they deemed appropriate. The chairman and I are very fond—both of us—of saying the word ''share'' is now outmoded. There is a need-to-know basis from time to time. But if you share something, that means you own it and that you make the decision you will share it with somebody. We prefer the modern word for intelligence which is going to have to be ''access,'' that anybody in that business has access to that intelligence automatically by definition unless there is a particular need-to-know restriction.

The Director of National Intelligence has to create a new culture where the process of producing intelligence is coordinated across agencies from the beginning. The collection strategies for various targets need to be unified, and the intelligence collected needs to be available to everyone with the proper clearance and the need to know that information.

That is the concept of jointness in operation that the Presiding Officer knows well because he is on the Armed Services Committee, as is my colleague, the chairman of the Intelligence Committee. Jointness is a concept the military has used and made work very effectively. It goes back to the Goldwater-Nichols Act almost 20 years ago, and it is something the Intelligence Committee is going to have to learn how to do. Making fundamental changes is absolutely essential in order to make sure our intelligence is timely, objective, and independent of political consideration.

The credibility of the intelligence community—and, by extension, the credibility of the United States—has suffered when key intelligence reports such as the prewar intelligence report on Iraq failed the test of being timely, objective, and independent as required by law. It is not something they just ought to be doing; it is required by the 1947 National Security Act.

Making major changes in the way the community operates and produces intelligence will be the first step for Ambassador Negroponte. He also must instill a sense of accountability. On this many of us feel strongly. The joint inquiry conducted by the Senate and the House Intelligence Committees into the events of 9/11 called for accountability for the mistakes made prior to the attack where thousands lost their lives. The WMD commission, which finished its work, also highlighted this issue.

But despite these findings and despite what one would think the country would assume and expect, no one has been held accountable for the numerous failures to share critical intelligence and act on intelligence warnings in the year and a half prior to the 9/11 attacks. Likewise there has been a lack of accountability over the failings in the collection, analysis, and use of intelligence prior to the Iraq war itself.

Accountability means people get fired or people get demoted or people get scolded or, concurrently, people are patted on the back, rewarded, encouraged, motivated further, held up before their colleagues as exemplary because they have done something particularly well.

So the Ambassador is not only going to have to deal with problems from the past, but he will have to face immediately the growing scandal surrounding the collection of intelligence through the detention, interrogation, and rendition of suspected terrorists and insurgents. We have been subjected to an almost daily deluge of accusations of abuse stemming from these operations.

The intelligence we gain through these interrogations is, frankly, too important to allow shortcomings in this program to continue, and the Director of National Intelligence will be the official responsible for ensuring we have a comprehensive, consistent, legal, and operational policy on the detention and interrogation of prisoners because there is enormous flux in that whole area right now. The lack of clarity in these areas has led to confusion and likely contributed to the abuse we have witnessed.

Dealing with the many challenges is a tall order. But if anybody can succeed in the position of DNI, Director of National Intelligence, an entirely new position in the U.S. Government, one of the three or four toughest jobs in Washington, that person is Ambassador Negroponte. He has a 40-year career of public service, as has been indicated, in some of most difficult and critical posts in the Foreign Service: Vietnam, the Paris peace talks, South and Central America, the U.N., and most recently in Baghdad.

He has been doing this for 40 years. One of the things I have appreciated particularly about him is that he is not a military person, not a political person, not an intelligence person. He is a diplomat. He is somebody who, through his entire career, has engaged in understanding the nuances of the cultures we have to deal with in the intelligence world and what follows intelligence across the world. But he also knows a great deal about intelligence and the military operations and the political aspects of life simply because you cannot be an ambassador and avoid those things.

He is a diplomat, a manager, a negotiator, which is crucial to bringing these agencies together and to go back and forth with the President and the Congress. He has extensive knowledge of the workings of the Government. That is a very prosaic statement, until one takes it at face value. Most people don't. They have extensive knowledge about certain parts of Government. He covers the ballfield. He has the temperament, standing, and self-confidence, frankly, to deal with the Washington bureaucracy. He has a great deal of confidence in himself, and he ought to—he has the backing of somebody called the President of the United States of America.

The Intelligence Reform Act provides the Director of National Intelligence with considerable authority. But in Washington, DC, the support of the President is invaluable in exercising authority. To put it another way, a person loses their stature pretty quickly if the President is not backing that

person in high-profile decisions, particularly in those instances when decisions meet resistance from the heads of other departments and other agencies which have full call on the President and his attention. The President's support will be absolutely critical to Ambassador Negroponte's success—and succeed he must, Mr. President.

The United States faces a period of enormous uncertainty and threat. The problems of international terrorism will be with us for many decades, and the proliferation of weapons of mass destruction poses a danger at this minute for the entire world and will for decades to come.

These are difficult targets for the intelligence community, but these are the things that threaten our security every moment. These are the issues the intelligence community must master. They are our front line of defense. The warfighter has not yet engaged properly until the intelligence has been collected and disseminated and policy is made from that. Ambassador Negroponte must lead all of us into a new era on intelligence. I think he is very well suited for the task, and I look forward to his swift confirmation.

In closing, I also hope the Senate moves very quickly to confirm the President's nominee to be Principal Deputy Director of National Intelligence, and that is LTG Michael Hayden. This is a tandem made in Heaven. General Hayden understands the military, the lifelong service of it. He understands intelligence. He is Director of the National Security Agency. He has a profound, intuitive, knowledge-based understanding of what is under the rocks and what is plainly in sight, what is plainly good or wrong about the intelligence profession. He has led the National Security Agency for the last 6 years. It is an interesting fact that in the National Security Agency, under their roof, is the largest collection of mathematicians in this world. That may be known or not; I suspect it is. But these people do incredibly important things. He has led them now, having been reappointed three times. Together, Ambassador Negroponte and General Hayden make a powerful team. I am very pleased to support them both.

I thank the Chair and yield the floor.

Mr. ROBERTS. Will the vice chairman yield?

Mr. ROCKEFELLER. Of course.

Mr. ROBERTS. Mr. President, I thank the Senator for a very comprehensive statement. I thank him for what I think is a very accurate statement, more especially with the history he has outlined of the intelligence community; more especially with the contributions of the men and women within the intelligence community who have successes that obviously you cannot talk about, but the obvious need for reform because of what we have gone through; especially for the Senator's comment in relationship to the new DNI in relation to the Department of Defense. That was right on target.

There has been a great deal of comment, as the vice chairman knows, that 80 percent of the funding of the intelligence budget goes to the military, and in terms of being the majority user of intelligence nobody would quarrel with that. I don't know of any Member of Congress who would say otherwise. I think we have made great progress between the intelligence and the military and the real-time analysis or real-time intelligence to the warfighter, even though our challenges in parts of the world are very great. But I point out—and I think the vice chairman agrees—that the principal user of intelligence—not majority but principal user of intelligence—is not the military, as important as they are; it is the President of the United States and the National Security Council and the Congress of the United States to determine policy.

I thank the Senator for bringing that out and I thank him for a very fine statement and also for being a fine vice chairman. We aggressively tried to provide insight and advice to the new DNI.

Mr. ROCKEFELLER. If my friend will yield, I further say that the President made an enormous contribution, which was sort of generally overlooked—not by those of us who work in this field of intelligence—when he made it very clear and made an executive decision that 80 percent of the budget that goes to the military, minus a few very specific tactical areas, and necessarily so, would be under the Director of National Intelligence. That was the President declaring that whoever is in that position will control the funding. Complications can arise, but the President has been clear about who is going to run this operation, and that is very important.

Mr. ROBERTS. Mr. President, I could ask for unanimous consent to lock in the order, but I think I can just make a suggestion with the few Senators we have here. I am sure more will come. Senator BOND has a time conflict and would like to be recognized for 10 minutes. Senator FEINSTEIN has been waiting, as has Senator WYDEN. And then Senator COLLINS will come to the floor very quickly, one of the coauthors of the Intelligence Reform Act. If we can have an understanding that that would be the order, I think that would be appropriate.

Also, I ask unanimous consent that the time consumed by any quorum calls be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I am more than happy to yield 10 minutes to a valued member of the committee, the Senator from Missouri, Mr. BOND.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank Chairman ROBERTS. As we all know, this February, President Bush nominated Ambassador John Negroponte to serve as the Nation's first Director of National Intelligence. I rise today in strong support of his confirmation for this demanding position. I agree with the chairman and vice chairman; I can think of few people as well suited by experience, intelligence, and dedication to tackle this assignment. I heard the remarks of the vice chairman, and I wish to associate myself with those very fine remarks—particularly his remarks about General Hayden who is nominated to be the Principal Deputy. We are not talking about his nomination today, but I associate myself with the high commendation that has been made of this gentleman, who also deserves prompt confirmation, so that we can get about the critically important work of providing intelligence. Ambassador Negroponte's wealth of experience and outstanding track record should be well known to all of us. A proven leader and manager in our national security establishment, he served five tours as chief of mission in U.S. Embassies. He has worked closely not only with frontline intelligence officers but himself served as Deputy National Security Adviser. He has solid experience working with the U.S. military, as well as representatives of Cabinet departments. Most telling, his recent experience as U.S. Ambassador to Iraq and the United Nations provide him with a unique view into the spectrum of national security challenges we now face and how best to construct an intelligence apparatus to meet those challenges. He understands that while collecting, analyzing, and disseminating good intelligence are not only requirements of a sound foreign policy and a secure homeland, they are key elements. Most important, these are processes in dire need of repair. The Ambassador is the right choice at the right time to take on these challenges.

As we continue our war on terror against those who would do us harm, our intelligence community must also work to stem the proliferation and prevent the use of weapons of mass destruction, maintain a watchful eye on global competitors and adversaries, be alert to emerging threats, and provide guidance to policymakers on how best to positively influence global change. Most importantly, they must be able to provide policymakers with timely, accurate, and authoritative intelligence to manage, instead of reacting to looming threats. In short, the Ambassador has his work cut out for him.

He will have to invigorate human intelligence capabilities. Our spies and agents must not only collect better intelligence, they must work to penetrate the governments of rogue states, terrorist and insurgent organizations, and closed societies where some of the most devious plots to attack America and its people and interests, as well as our allies, are hatched. We know we have fallen short in our human intelligence—or HUMINT—capabilities leading up to the conflicts in Afghanistan and Iraq. We are going to have to correct that and we look for the DNI's leadership to do that.

As DNI, the Ambassador will have to work diligently to ensure that signals intelligence and other technical collection means are continuously updated, expanded, and modified to not only provide strategic intelligence but also actionable information for our war fighters—something in which I am personally most interested.

Our intelligence community is home to some of the world's finest minds which have averted disaster and provided the highest quality information to consumers from the President down to the privates on the front line. However, inferential analysis and ''group think'' are practices against which the DNI must guard. The DNI must ensure that rigorously competitive analysis models and improved analytics tradecraft be implemented.

The problem of inaccurate information sharing amongst agencies has been a recurring theme during the review of the Senate Select Committee on Intelligence of our recent intelligence failures leading to 9/11 and U.S. assessments of Iraq WMD programs. We have seen, unfortunately, even since 9/11, far too recent incidents where agencies working on common problems did not share that information and those sources. In this day, that is totally unacceptable. The DNI will not only face the challenge of ensuring that information is passed up and down the chain of command, but that colleagues working for different agencies within the intelligence community can and do regularly share and exchange information and ideas.

The Senate Select Committee on Intelligence, under the wise, compassionate guidance of Chairman ROBERTS, has espoused the idea of not merely information sharing but of information access. It is a difficult task. Sensitive information must be protected from disclosure, and too often protecting it from disclosure means not sharing it with people who are working on the same project. Nonetheless, the Ambassador has assured me that an analyst with a need to know will have access to the information, regardless of who collects it and who is working on it.

In the end, no matter what means is used to collect intelligence, it is the fine, brave, and dedicated men and women of the intelligence community who will make it work on any given day on the ground. It will be not only a responsibility but a duty of the DNI to ensure that these men and women receive the proper education and training to discharge their duties. While substantive expertise and technical prowess are essential, leadership and management training, along with mentorship programs are key elements that will ensure that we attract, as well as retain, the talented, motivated, and dedicated personnel we need.

The men and women of the intelligence community are our first tripwire to help stave off disaster. They can advise us on prudent courses of action to advance our national security interests. They willingly take great risks and make great sacrifices daily. Accordingly, it is the solemn obligation of the DNI to ensure their ranks continue to be filled with competent visionaries, managers, and innovators who are willing to lead and care for them.

Over the years, this body has seen and even drafted recommendations to establish a DNI and/or a more accountable and powerful chief of our intelligence community. While the establishment of a DNI is historic, it was not established to the degree of budgetary and other powers that I, along with several of my colleagues, would have liked and thought would be very necessary. So the Ambassador will face challenges as he asserts his authority over the 15 intelligence agencies he will supervise. I hope he will use the implied powers of this position and the positive enforcement and support of the President to make sure the work that needs to be done is done and the DNI will have the power that, unfortunately, he was not given in the legislation but we believe he must exercise.

Reflecting on the recommendations of the 9/11 Commission, and the WMD Commission, as well as many pre-9/11 studies, and the work that has gone on in the Select Committee on Intelligence, I fully endorse and call on my colleagues to support Ambassador Negroponte as he establishes these powers to make sure our homeland is protected and our policymakers and warfighters on the ground are well informed.

Having met with Ambassador Negroponte at length and being well aware of his qualifications, I am confident he will not only meet these high standards but will set a fine precedent for all succeeding DNIs to follow.

I ask my colleagues to act quickly to confirm Ambassador Negroponte to lead our intelligence community so he may begin in earnest to make the difficult changes we believe are sorely needed.

I thank the Chair, I thank the managers of this nomination, and I urge prompt confirmation.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, as a member of the Intelligence Committee, I wish to make a few comments both about Ambassador John Negroponte and also LTG Michael Hayden. He is soon to be General Hayden, I understand.

Mr. ROCKEFELLER. Will the Senator allow me to yield to her such time as she may desire?

Mrs. FEINSTEIN. I certainly will. I thank the Senator from West Virginia.

I know General Hayden will be a four-star general very shortly. I think that is very good news. So we will have the first Director and Principal Deputy Director of National Intelligence.

I believe these are both excellent nominees. They will provide strong new overall management and leadership to the intelligence community as it finally adapts to post-Cold War realities.

Ambassador Negroponte has served with distinction, both in Washington and around the globe. He served as United States Ambassador to four nations and to the United Nations. As Deputy National Security Adviser, Ambassador Negroponte was intimately involved in the formation and use of intelligence. He is well suited to overseeing the collection of vital intelligence needed for the United States to protect itself. Ambassador Negroponte comes to this new position without strong ties or bias to any specific intelligence agency. That is an enormous strength, and I believe he will be an honest broker and manager for the community. He has pledged that he will be a neutral and apolitical provider of intelligence to Government policymakers.

Although General Hayden's nomination is not before us at this time, I wish to say I hold him in the highest regard. He is a skilled manager and an expert in the workings of our Nation's intelligence apparatus. General Hayden led a remarkable turnaround of an enormously complex and technical agency, the National Security Agency. He was first made Director of the NSA under President Clinton and has had his tour extended three times by President Bush. That is a true testament to his leadership. He has proven his ability to establish a skilled and dedicated workforce. In short, General Hayden is a strong choice to be the day-to-day manager of the intelligence community.

Both men have the strength, the vision, and the determination that is necessary to be successful in their new positions.

As my colleagues know, I introduced legislation to create a DNI in the 107th Congress and again in the 108th Congress. So I was pleased to see that with the support of the 9/11 Commission and the chairs and ranking members of the Intelligence and Governmental Affairs Committees, this position was finally established.

As Director and Deputy Director of National Intelligence, these appointees face daunting challenges. The 15 intelligence agencies are a community in name only. The fiefdoms and turf battles—the stovepipes—between agencies may have lessened since September 11, but they continue to hinder our intelligence operations.

Our technical means for collecting intelligence must be adapted to this new nonstate terrorist world and its challenges. The acquisition and development of new intelligence systems need better management.

The demands for better human intelligence are well documented by reports, including the Congressional Joint Inquiry, our Intelligence Committee's Iraq study, the 9/11 Commission, and the President's own WMD Commission. Each of these reports

spells out, in stark terms, the organizational, the leadership, and the capability challenges that await Director Negroponte and General Hayden.

The U.S. intelligence estimates of Iraq's weapons of mass destruction were, as the WMD Commission stated, ''dead wrong'' before the war. There was a lack of solid intelligence, made worse by fundamental and inexcusable lapses in tradecraft and judgment. The systematic failings will take sustained leadership and vigorous oversight to correct.

Our intelligence capabilities in other crucial areas—Iran and North Korea among them—are still inadequate and unacceptable. As the war and postwar operations in Iraq show dramatically and tragically, we cannot govern effectively and cannot make informed decisions without timely and accurate intelligence. We cannot afford to fail again. The stakes are very large, indeed.

Thankfully, the recent Commission and Senate reports have also made important recommendations. Both Ambassador Negroponte and General Hayden have expressed willingness to make important changes. They will take steps to integrate and bolster intelligence collection and to end ''group think'' and untested assumptions. They will use red teams and alternative analysis when intelligence conflicts. This was a substantial lacking that led to the wrong judgments made in the Iraq National Intelligence Estimate that so many of us relied upon to make our judgment on how to vote to authorize the President with use of force in Iraq.

The Director also has the authority to put in place a management team and implement changes, including new mission managers and new centers, to focus attention on the most pressing problems.

I believe strongly it is going to take a strong and authoritative Director of National Intelligence to put our intelligence community back on the right track. Equally important, it will take forthright and impeccably objective leaders to restore the credibility both to the American people and to the world that was destroyed by the assessments of Iraqi weapons of mass destruction.

The legislation that created the DNI last year, the Intelligence Reform and Terrorism Prevention Act, spells out the framework for a strong DNI, but it did not fill in the details. The authorities and responsibilities that should have been made clear in law, I believe, will have to be instead established in practice. I have discussed privately and through the confirmation hearing process with Ambassador Negroponte the need for him to assert authority by taking bold action to lead and manage the intelligence community, and I will support him in doing so.

I have confidence the new Director shares this vision and will take the necessary steps immediately after taking office. General Hayden, with his experience in fighting these battles as Director of NSA, will be a key adviser and ally in fulfilling this charge.

The men and women who work for the 15 intelligence agencies are skilled and dedicated, but they need innovative, new tools and ways of doing business to meet our future strategic intelligence needs. I am confident that Director Negroponte and Deputy Director Hayden will work to provide these needs.

I thank the President for forwarding such skilled, nonpartisan nominees, and I wholeheartedly support their confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I am delighted to yield 10 minutes to the distinguished chairman of the Homeland Security and Governmental Affairs Committee whose unflagging, untiring, persevering efforts, along with her coauthor, Senator LIEBERMAN, led to passage of the Intelligence Reform Act that has returned us to this whole process where we have Ambassador Negroponte and General Hayden, an outstanding team, not only to reform but to lead the intelligence community.

I thank the Senator for her leadership and her efforts. She persevered, and she was successful.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, I thank the distinguished chairman of the Senate Intelligence Committee and his extraordinary ranking member for all their work to improve the quality of the intelligence upon which our policymakers, our men and women who are on the front lines, and all of us rely.

Last July, the Senate leaders assigned the Homeland Security and Governmental Affairs Committee the task of developing legislation to implement the recommendations of the 9/11 Commission. The committee I am privileged to chair devoted more than 5 months to this important and complex issue that is so crucial to the safety and well-being of the American people. We successfully accomplished our assignment with the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004, which the President signed into law in December.

During the committee's inquiry into how to fix the flaws in our Nation's intelligence capability that permitted so many dots to go unconnected for so long, one remedy emerged as being among the very highest priorities. Our intelligence community—15 disparate agencies and entities, each with its own expertise and experience—clearly needed one leader. The role of this leader has often been described as that of a CEO in business, a person with the ultimate authority over the operation and with the ultimate accountability for results. An even more succinct description was offered by former Secretary of State Powell at one of our committee's many hearings. He said what the intelligence community really needed was an empowered quarterback.

The new law creates the Director of National Intelligence as that empowered quarterback, with significant authority to manage the intelligence community and to transform it into, to use President Bush's term, a single unified enterprise.

I believe John Negroponte is the right person, the right leader to be that CEO, that empowered quarterback.

Ambassador Negroponte is an accomplished diplomat, which is a vital credential in the international war against terrorism. Having served very recently as our Ambassador in Iraq, he knows firsthand how important the intelligence provided is. He has been an intelligence consumer. Throughout his distinguished and varied career in service to our country, he has demonstrated strong, decisive leadership skills. These skills will be invaluable in exercising the Director of National Intelligence authorities and in carrying out the intelligence community transformation called for in our legislation.

The Ambassador's extensive experience in national security and foreign relations is a solid foundation for the weighty responsibilities he will have in this critical position. As the first DNI, Ambassador Negroponte will not only serve a critical role immediately, he will also establish the relationships and set the precedent for future DNIs. Thus, when I met with the Ambassador, I encouraged him to aggressively use the authorities we worked so hard to secure in the intelligence reform bill. One of those key authorities concerns the DNI's responsibility for determining the budget for the national intelligence program. He also will have significant authority to execute that budget and to transfer funds, if needed, to meet emerging threats and the greatest priorities.

Today, at a hearing before the Armed Services Committee on the nomination of General Hayden to be the No. 2 person to the DNI, I raised the issue with General Hayden about the need to aggressively exercise that budget authority. The law is very clear on this point, but already we have seen some signs from the Defense Department of a potential challenge to the new DNI in exercising that authority.

I think it should be very clear, through the legislative history and in our conversations today, that the DNI has a direct relationship to the heads of the National Security Agency and the other intelligence agencies that are housed within the Pentagon but serve not only the Department of Defense but all intelligence consumers. I was pleased to hear General Hayden's understanding of the extent of that authority.

Ambassador Negroponte will be the first intelligence CEO to set the community's budget, to establish community-wide intelligence gathering and analytical priorities, and to employ financial, technological, and human resources where and when they are most needed, or, as Secretary Powell might have put it, he will be calling the plays. This is an unprecedented challenge and unprecedented authority, and I am convinced John Negroponte will meet this challenge in an exemplary manner. I am convinced he understands the need to exercise that authority to the full extent of the law.

Ambassador Negroponte will provide our intelligence community with accomplished, experienced, dedicated, and needed leadership. I wholeheartedly urge my colleagues to approve this important nomination without any delay. Again, I commend the chairman and the ranking member for bringing this nominee so quickly to the Senate floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Oregon.

Mr. WYDEN. Mr. President, it is not easy for a member of the Senate Select Committee on Intelligence to oppose Ambassador Negroponte's nomination on the floor of this Senate. I am well aware that many do not share the concerns, and the views I will express this afternoon have not been arrived at casually.

The Ambassador is the consummate diplomat, a dedicated public servant, a well-liked person who is popular with Members of the Senate of both political parties. He has been confirmed by the Senate for a variety of posts. I have voted twice for those confirmations, but I am not convinced that Ambassador Negroponte is the right man for this job. I have reached this judgment based on my strong belief that a prerequisite for this position should be a willingness to be direct and forthcoming with policymakers even when the truth is difficult. Unfortunately, directness was nowhere in sight in the Ambassador's responses at his confirmation hearing last week.

At that hearing, the Ambassador was not even as direct and forthcoming in discussing controversial matters as he has been in the past. For example, at the hearing I discussed with the Ambassador his service in Honduras. I made it clear at the outset that I understand it makes no sense to relitigate a war that took place in Central America more than 20 years ago. In spite of the lengthy news accounts printed that morning, the morning of his confirmation hearing, providing new information documenting the Ambassador's continued backing of the Contras after the House had voted to halt U.S. support, I chose not to focus on those issues. I raised the Honduras issue last week and return to it this afternoon because I believe the record of the Ambassador's service there is particularly telling in terms of his judgment and his willingness to confront difficult facts, which I believe are two key requirements for the Director of National Intelligence.

For example, I find it especially troubling that the Ambassador's perception of the human rights situation in Honduras differs so dramatically from that expressed by the Central Intelligence Agency, the InterAmerican Court, the Honduras Human Rights Commission, and others. The Central Intelligence Agency released a report entitled ''Selected Issues Relating to CIA Activities in Honduras in the 1980s'' which found:

> Honduran military committed hundreds of human rights abuses since 1980, many of which were politically motivated and officially sanctioned.

The CIA report linked the Honduran military personnel to death squad activities.

Mr. Negroponte, on the other hand, said in a September 12, 1982, letter that was printed in the New York Times Magazine that:

> Honduras's increasingly professional armed forces are dedicated to defending the sovereignty and territorial integrity of the country, and they are publicly committed to civilian constitutional rule.

The InterAmerican Court for Human Rights heard cases concerning human rights abuses in Honduras. In 1989, the Court found:

> A practice of disappearances carried out or tolerated by Honduran officials existed between 1981 and 1984; and
>
> The Government of Honduras failed to guarantee the human rights affected by that practice.

In an October 23, 1982, letter printed in the Economist, Ambassador Negroponte wrote:

> Honduras's increasingly professional armed forces are fully supportive of this country's constitutional system.

The Honduran Human Rights Commissioner released a report on forced disappearances that occurred in Honduras during Ambassador Negroponte's tenure. The report states:

> [t]here existed within the Armed Forces a deliberate policy of kidnapping and forcibly disappearing persons.

Yet the introductory passage of the 1983 State Department Country Report issued while Mr. Negroponte was Ambassador stated:

> The Honduran military, which ruled the country for almost 20 years before 1982, supports the present civilian government and is publicly committed to national and local elections, which are scheduled in 1985, as well as the observance of human rights.

The fact is, when you read what the Ambassador has said about Honduras, and what the CIA and others have said about the same time period, it is as if John Negroponte was an ambassador to a different country.

Given these sharp differences, I asked the Ambassador last week to reconcile this very large gap between what he saw and what others reported. I expected an answer that would have at least acknowledged these very substantial differences and indicated that in hindsight the Ambassador would have been more outspoken about human rights practices.

Instead, the Ambassador tried to dismiss the issue altogether by simply saying the differences were not so great, something I thought was pretty hard to fathom, given the accounts I had provided to him.

The fact is, in trying to brush off this issue of Honduras, the Ambassador actually showed less candor last week than he has in the past. For instance, at his 2003 hearing before the Foreign Relations Committee when he was being considered for Ambassador to the United Nations, Mr. Negroponte stated the following about Honduran human rights abuses:

> Maybe it was a mixed picture, Senator. I am more than willing to acknowledge that.

At the same hearing he said:

> Could I have been more vocal? Well, you know, in retrospect, perhaps I could have been.

So you have to ask, as I have done, Why would the Ambassador be less direct last week than he had been previously? Certainly there was no national security reason for him to duck questions about events that are decades old. Perhaps the newspaper articles that morning made him fear Congress would get into issues he might find uncomfortable. That is certainly understandable, but it is absolutely unacceptable for a nominee tapped to head our Nation's intelligence community at a time when directness and forthrightness is more important than ever before. Throughout his confirmation hearing, on issue after issue, the Ambassador ducked and avoided giving anything resembling a straightforward answer.

I asked the Ambassador whether he foresaw his office involving itself in decisions relating to the implementation of the PATRIOT Act's surveillance powers, and in particular whether his office might weigh in on whether the Federal Bureau of Investigation should seek a FISC warrant.

His answer?

> Senator, I am not entirely certain what my authorities would be under FISC.

I asked the Ambassador whether he would be willing to take a fresh look at the United States rendition policy, possibly the most controversial weapon being used in fighting terrorism today. Rendition involves sending a suspected terrorist from one country to another without court proceedings. Republican and Democratic administrations have used renditions in the past, but their use has increased significantly since 9/11, and the policy has certainly changed. Previously, most suspects were rendered to the United States. Now it works the opposite way. More and more often the United States is rendering suspects to foreign countries. News reports indicate that suspects are frequently being rendered to countries known to torture suspected terrorists, such as Syria, Egypt, Uzbekistan, and Saudi Arabia. While the United States gets assurances from foreign governments they will not use torture, U.S.

officials have little control over the situation once a suspect is in the hands of the foreign country.

Rendition is the practice used to address a very difficult dilemma. America may lack the evidence to bring a suspected terrorist into court; there is some proof of wrongdoing, but not enough for a court of law. If the suspect is not an American citizen, it is possible to send them elsewhere to be dealt with, but that can be a dicey prospect. Renditions get suspects off the streets, something which makes Americans safer. But the tactic has raised serious concerns for many of our citizens and for many people in other countries as well. I have heard those concerns, but I also recognize that renditions can serve a legitimate and valuable purpose. It is a question of how this policy is carried out. Our country needs to have a frank and candid and direct discussion about this policy of rendition. But, before that can happen, there needs to be some answers to some tough questions:

Have any suspects been rendered based on faulty intelligence and, if so, what amount of intelligence should be necessary before a rendition takes place?

Are there certain countries to which the United States should not render suspects?

Are the assurances the United States gets in the rendition area sufficient with regard to the use of torture?

Does the United States need to retain more control of suspects it renders, especially to countries that have weak human rights records?

How good is the intelligence the United States is getting from rendered suspects?

What is the effect of a rendition policy on America's diplomatic relations with other countries?

These are some of the important questions that need to be answered. So in an effort to examine Ambassador Negroponte's openness and to try to determine his judgment in a difficult area such as this, I asked the Ambassador whether he would be willing to take a fresh look at our rendition policy; not a point-by-point description of what he would do, but simply would he be willing to take a fresh look, a new inspection of this country's approach in rendition.

The Los Angeles Times summed up the Ambassador's response to my question about rendition with four words. They said: ''Negroponte avoided the question.''

The Ambassador, I would point out, ducked other important questions asked by members of the Senate Select Committee on Intelligence. For example, our colleague from Michigan, Senator LEVIN, asked the Ambassador to explain what action he would take if the Ambassador concluded policymakers were making public statements that differed from the classified intelligence. There was no direct answer to that important question asked by Senator LEVIN.

Senator FEINSTEIN sought detailed information on how, with regard to countries such as Iran and North Korea, the Ambassador intended to assure the United States developed much needed credible intelligence. Ambassador Negroponte responded:

> Well, Senator, the law prescribes a number of approaches to this.

Then I asked the Ambassador about the issue of overclassification of material in the area of national security. This is an issue that has concerned many in the Senate, of both political parties. I have been interested in this matter for some time.

I was, frankly, flabbergasted when 9/11 Commissioner Tom Kean, who did such a superb job in his work, with Lee Hamilton, former Member of the other body—Tom Kean said 75 percent of everything he saw when he chaired the 9/11 Commission that was classified should not have been classified. This is what Tom Kean said in the extraordinarily important inquiry he conducted.

The Central Intelligence Agency initially blacked out over 50 percent of the Senate Select Committee on Intelligence Report on Iraq's WMD programs and links to terrorist groups.

I will tell colleagues I thought Chairman ROBERTS and Senator ROCKEFELLER did a superb job in guiding our committee to a unanimous judgment with respect to Iraq and that important report. But if the CIA had had its way, page after page after page would have been blacked out.

The National Archives Information Security Office reported 14.2 million classification actions in 2003, twice the number recorded 10 years earlier. The agencies are becoming more creative in terms of how they overclassify. In addition to the traditional ''limited official use,'' ''secret'' and ''top secret,'' some agencies now have ''sensitive security information,'' ''sensitive Homeland Security information,'' ''sensitive but unclassified'' and ''for official use only'' classifications, as well.

Secrecy has become so pervasive it makes you wonder whether facts are being classified for legitimate reasons or to protect the individuals and agencies involved.

As I mentioned, this has been a bipartisan concern. I am particularly grateful for the work Senator LOTT has been willing to do with me. We took some modest steps in the intelligence reform bill to open this process and try to bring some balance back into the area of classification. But given this history, given the huge explosion in terms of overclassification of Government documents, I was interested in what the Ambassador had to say with respect to this.

When I first asked, he said:

> Senator, I don't know about classification or overclassification.

But then he went on to make the mind-boggling claim that ''Certainly the trend in my lifetime has been to reduce levels of classification wherever possible. And I've seen that happen before my own eyes.''

Troubling as that answer was and the nonanswers that I received to the other important questions I asked with respect to the PATRIOT Act and relating to rendition and other topics, as troubling as what I was told and wasn't told, is it is not only what the Director of National Intelligence will know that is so important but what he is willing to say that is vital.

In spite of the Ambassador's responses to these questions, I have no question in my mind of Ambassador Negroponte's ability to master the facts. What I am not confident of is his steadfast commitment to speaking those facts to ears that do not want to hear them. And history tells us the consequences of an inability or an unwillingness to speak truth to power can be disastrous.

This country saw what happened in the Bay of Pigs, an unsuccessful attempt by United States-backed Cuban exiles to overthrow the Government of the Cuban dictator Fidel Castro. It is a classic example of what can happen when America's intelligence community is unwilling or unable to be candid. In his review of the Bay of Pigs invasion release to the public in 1998, CIA Inspector General Lyman Kirkpatrick identified numerous failures. These include:

> [The f]ailure to subject the president, especially in its latter frenzied stages, to a cold and objective appraisal by the best operating talent available, particularly by those not involved in the operation, such as the Chief of Operations and the chiefs of the Senior Staffs;
>
> [The f]ailure to advise the president, at an appropriate time, that success has become dubious and to recommend the operation be, therefore, canceled and that the problem of unseating Castro be restudied;
>
> The failure to maintain the covert nature of the project—''[f]or more than three months before the invasion the American press was reporting, often with some accuracy, on the recruiting and training of Cubans. Such massive preparations could only be laid to the U.S. The agency's name was freely linked with these activities. Plausible denial was a pathetic illusion.''

This is what the inspector general said. This is not what a partisan said. Yet the CIA unrealistically plowed ahead, unwilling or unable to face the reality of the situation that the operation was doomed to fail, and as a result the CIA was humiliated, many died, our prestige was damaged.

Throughout the entire time our country was in Vietnam the intelligence community also failed to be forthright and was plagued by overoptimism. One example was particularly worth noting.

In 1963, the Board of National Estimate's draft Nation Intelligence Estimate concluded that ''The struggle in South Vietnam at best will be protracted and costly [because] very great weaknesses remain and will be difficult to surmount.''

Unhappy with the pessimistic conclusion, the Director of Central Intelligence John McCone rejected the draft

and instructed the board to seek the views of senior policymakers in revising the Nation's Intelligence Estimate.

So the final version of the 1963 stated:

We believe that Communist progress has been blunted and that the situation is improving . . .

As those who put together the Pentagon papers later observed:

The intelligence and reporting problems occurring during this period cannot be explained away . . . In retrospect [the estimators] were not only wrong, but more importantly, they were influential. As a result, a generation paid the price for the unwillingness or the inability of the intelligence community's inability to be forthright.

Now our country deals with those consequences.

Many in the Senate will remember George Tenet told the President of the United States that the weapons of mass destruction case against Iraq was a ''slam dunk.'' Now America knows what George Tenet knew and what he was unwilling or unable to tell the President of the United States, that it wasn't a slam dunk at all.

The Niger yellowcake, the high-strength aluminum, the mobile weapons lab, the aerial vehicles, the intelligence provided by Curveball and the Iraqi National Congress witnesses, all of this intelligence was questionable and was being questioned by at least some members of the intelligence community.

However, George Tenet was not direct. He was not forthcoming. He told the President of the United States what the President wanted to hear. Whether he was unwilling or unable to be straight with the President, I cannot possibly determine. What I do know is that as a member of the Select Committee on Intelligence I want to do everything I can. I know every Member of the Senate wants to make sure these mistakes are not repeated. The stakes are simply too high.

The Intelligence Reorganization Act gave the Director of National Intelligence a whole lot of responsibility but very little enforcement power. As the Director works to make 15 intelligence agencies pull together, his credibility will be his currency. Critical to his success will be the understanding of all concerned that this person is going to be direct, that the person will be forthcoming, that the person will make sure that no matter who the truth hurts, no matter what policymakers think, they are going to get the facts.

Here is what I think the country needs. The United States needs a Director of National Intelligence who is going to speak truth to power, somebody who has, in Hamilton's words, the ''gumption'' to tell the President and other senior policymakers what they don't want to hear.

The United States needs a Director of National Intelligence who has the knowledge and the experience to step in and begin fixing the problems facing the intelligence sector immediately.

The United States needs a Director of National Intelligence who will break down existing walls inhibiting analysts throughout the intelligence community and, when appropriate, officials and citizens outside that realm from getting access to the information they need to keep Americans safe. The United States needs a Director of National Intelligence willing to, when necessary, go head to head with the agencies under his control, especially the Department of Defense. If the Director lets them push him around, he is doomed.

The United States needs a Director of National Intelligence to take control over the intelligence budget. Before Congress created the position, the intelligence community lacked a leader willing to make tough budget priority and tradeoff decisions. Each agency asked for funds. It was, in effect, a matter of passing the request along. This has to stop. There are not limitless resources. A strategic view, not a parochial lens, ought to be guiding budget decisions.

The United States needs a Director of National Intelligence to shape the intelligence agencies he oversees into a true community because, at this point, the phrase ''intelligence community'' is pretty much a misnomer. While coordination and cooperation have improved, the individual intelligence agencies persist in maintaining their own culture and collection practices. As the military services have learned to fight jointly, our intelligence collection agencies need to learn how to act together to gather critical information our policymakers and warfighters need to protect our country.

The United States needs a Director of National Intelligence who recognizes he cannot do this alone. This position is new and its authority, while substantial, is unclear. His fights with the administration over matters of significant national policy need not, and should not, always be kept quiet. If the Director of National Intelligence is to succeed, he will need to look to allies in the executive branch and here in the Congress to help.

While Ambassador Negroponte is surely a skilled diplomat and has many allies in the Senate, Senators of both parties I admire greatly, I am not confident the administration's nominee will meet these expectations.

For that reason, I will be voting no on the nomination of Ambassador John Negroponte to be Director of National Intelligence.

Mr. President, I want to wrap up with one additional point. I am pleased to be in strong support of General Hayden, who will, when the nominee is confirmed, be the deputy. I thought General Hayden's directness and openness at his confirmation hearing was particularly welcome.

For example, I asked him, on the matter of privacy rights, which is pretty important, given his past background at the NSA, how he would handle that issue. I think there was a sense it is possible to fight terrorism ferociously while still protecting civil liberties. General Hayden, in contrast to what we heard at the earlier confirmation hearing, was refreshingly direct in his responses, where he talked about pushing right up to the line—I believe those were his exact words—but being sensitive to civil liberties.

So I am pleased to be able to say, on the floor of the Senate, I am looking forward to the support General Hayden will be receiving from the Senate shortly. I expect Ambassador Negroponte and General Hayden to be approved. My door will be open to both of them. As a member of the Intelligence Committee, it is my hope that both of these individuals will not hesitate to ask me and ask colleagues for help. The safety of our country depends on the performance of these two individuals in this key post.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, how much time remains on this side of the aisle?

The PRESIDING OFFICER. The Senator from West Virginia has 32 minutes.

Mr. ROCKEFELLER. Mr. President, I yield myself such time as I may consume, which will be less than that.

Mr. President, I am going to use this opportunity to speak on an unrelated issue, not entirely but somewhat, but one that is of critical importance to the intelligence community and the American people.

Last week, I filed an amendment to the emergency supplemental appropriations bill. Unfortunately, I was not able to bring the amendment before the Senate because it was not germane under postcloture rules. This amendment is important enough, however, that I will take just a few minutes to explain it.

My amendment was, and is, simple and straightforward. It expresses the sense of the Senate. It is not directive. It expresses the sense of the Senate that the Senate Select Committee on Intelligence should conduct an investigation into matters related to the collection of intelligence through the detention, interrogation, and rendition of prisoners. That is its purpose.

The amendment, as I indicated, does not direct the committee to undertake this much needed and long overdue congressional review. Rather, it is a statement by the Senate that the committee should carry out its oversight duties and carefully, thoroughly, and constructively evaluate the interrogation practices of the U.S. Intelligence Community.

A year has passed since the appearance of photographs graphically portraying the abuse of Iraqi prisoners at Abu Ghraib prison. Since then, we have

seen a steady stream of accusations relating to the way U.S. military and intelligence agencies treat individuals in their custody. Allegations of mistreatment have surfaced wherever the United States holds prisoners overseas—across Iraq, in Afghanistan, and at Guantanamo Bay.

Troubling new revelations have become almost a daily occurrence—literally a daily occurrence—with a disturbing number of these incidents resulting in prisoner deaths.

At least 26 prisoners have died in American custody. The disturbing charge has been leveled against the United States that we are exporting torture through rendition practices that lack accountability.

Who can honestly say these events and allegations are not serious enough to warrant an Intelligence Committee investigation?

The collection of intelligence through interrogation and rendition is an extremely important part of our counterterrorism effort and one of our most important intelligence tools.

But this tool, as with all others, must be applied within the bounds of our laws and our own moral framework. It must be subject to the same scrutiny and congressional oversight as every other aspect of intelligence collection. This, unfortunately, has not been the case.

Despite the critical importance of interrogation-derived intelligence and the growing controversy surrounding detention, interrogation, and rendition practices and policies, the Congress has largely ignored the issue, holding few hearings that have provided only limited insight.

More disturbingly, in this Senator's judgment, the Senate Intelligence Committee—the committee charged with overseeing intelligence programs, and the only committee with the jurisdiction to investigate all aspects of this issue—is, in this Senator's judgment, sitting on the sidelines and effectively abdicating its oversight responsibility to media investigative reporters who go at it very aggressively and on a daily basis.

As the Intelligence Committee's vice chairman, I have been pushing, for the past 3 months, for an investigation into the legal and operational questions at the heart of the detention and interrogation controversy.

My requests, and those of other committee members, have been rebuffed, based upon the argument that we have been fully informed on the particulars of our detention and interrogation program, and the Intelligence Committee need only monitor these operations.

The point has also been made that the Intelligence Committee should not undertake an investigation into these issues because the CIA Inspector General is conducting his own investigation. I reject this notion that the Senate should cede to the executive branch its oversight responsibilities. Carrying out oversight is why the Senate Intelligence Committee exists.

Effective congressional oversight is not achieved passively waiting for and accepting the parameters of internal executive branch reviews. We are separate in our responsibilities, executive and legislative. While it is true that the CIA inspector general is investigating specific allegations of abuse involving intelligence personnel, those specific cases represent a small portion of what the Intelligence Committee should be examining. Many fundamental legal and operational issues are outside the inspector general's very limited focus and deserve the Intelligence Committee's immediate attention.

We have a duty to not simply monitor but to actively inquire about the conduct of congressionally funded activities—that is our job—especially activities such as prisoner interrogation that can have life or death implications. Down the road, if we don't set these rules straight, that can come back to haunt our soldiers and their safety.

Up to this point, the Intelligence Committee oversight that I am speaking of has been, in the judgment of this Senator, abdicated to the press over the past year. Here is a sampling, which I will go through quickly, of headlines from articles that have been published in recent weeks: ''Interrogator Says U.S. Approved Handling of Detainee Who Died''; ''White House Has Tightly Restricted Oversight of CIA Detentions''; ''FBI Report Questions Guantanamo Tactics''; ''Questions Are Left by C.I.A. Chief on the Use of Torture''; ''CIA's Assurances on Transferred Subjects Doubted—Prisoners Say Countries Break No-Torture Pledges''; ''Europeans Investigate CIA Role in Abductions''; ''Army Details Scale of Abuse of Prisoners in an Afghan Jail''; ''Prisoners at Abu Ghraib Said to Include Children''; ''Army, CIA Agreed on 'Ghost' Prisoners''; ''Lack of Oversight Led to the Abuse of Detainees, Investigator Says''; ''Ex-CIA Lawyer Calls for Law on Rendition''; ''CIA Avoids Scrutiny of Detainee Treatment''; ''Files Show New Abuse Cases in Afghan and Iraqi Prisons''; ''CIA Is Seeking New Role on Detainees''; ''FBI Agents Allege Abuse of Detainees at Guantanamo Bay''; ''CIA Was Wary of U.S. Interrogation Methods in Iraq.''

I think the Presiding Officer gets the drift.

I ask my colleagues to consider the finding made by General Fay in his recent report on the abuses at Abu Ghraib. General Fay found that CIA practices ''led to a loss of accountability, abuse . . . and the unhealthy mystique that further poisoned the atmosphere at Abu Ghraib.''

General Fay was unable to fully investigate the CIA's role at Abu Ghraib and other prisons. The Senate Intelligence Committee, however, is not unable to do that. That is our job.

These and other reports highlight the need for the sort of strong congressional oversight that in my judgment is now absent. There are many legal and operational questions that we should be investigating to ensure that this vitally important intelligence collection program is not continually hampered by vague and confusing legal and operational directives.

For example, on March 18, 2005, the Central Intelligence Agency issued a statement that:

> CIA policies on interrogation have always followed legal guidance from the Department of Justice.

That may be so, but was that legal guidance supportable? A lengthy legal opinion of the Department of Justice on interrogation practices, which had been issued in secret in August 2002, was quickly repudiated by the White House when it became public in June of 2004 and was superseded by a public Justice Department legal opinion in December of 2004. As that episode indicates, secret law is an invitation to great error.

The Intelligence Committee, which includes members of the Senate Judiciary Committee, must conduct a complete examination of the legal guidance that CIA and Defense Department interrogators have been given. What supporting roles do the CIA and FBI play in the interrogation of suspects at military-run institutions? And how are their activities coordinated, if they are?

It has been publicly reported that the CIA requested that a number of prisoners held in Iraq not be registered and be kept from international inspection—so-called ghost detainees—and that FBI officials lodged strenuous complaints about the mistreatment of prisoners held at Guantanamo Bay. I cannot emphasize how strongly those FBI objections were. These reports and others strongly suggest that different agencies are operating by different sets of interrogation and detention rules, which is a recipe for disaster.

The Congress should evaluate the general policy guidelines for which it is appropriate to render a detainee to another country, and what intelligence is gained from such practice.

More specifically, we must examine the validity of assurances that the United States is given when detainees are rendered to other countries that they will not be tortured. The Congress should undertake, with the intelligence community, case studies of interrogations, including the methods used and, importantly, the reliability of the information obtained. As with other intelligence tools, we should consider on the basis of facts, rather than surmise, what works, what does not work, to obtain reliable information that actually contributes to our national security. The Congress should examine plans for the long-term detention or prosecution of persons detained or rendered for interrogation purposes.

Should the United States, for example, hold detainees without trial for years or decades to come? Is it acceptable to do that for the reason that the

detainees' acknowledgment of their actions came during interrogations that would neither meet the standards of a U.S. court or U.S. military commission?

The reality may be that if Congress continues to default in its oversight and legislative responsibilities, that the courts, in fact, themselves will end up filling that vacuum. The threat of terrorism is going to be with us for many years, if not decades. The intelligence we gain through interrogations will be crucial in protecting Americans themselves against future attacks. If we are to optimize those counterterrorism efforts, we need to have a plan, not an ad hoc policy, for how to deal with people in our custody.

America is not a nation that uses or condones torture. We are party to international agreements that prohibit these acts, and we demand humane treatment for our citizens when they are arrested abroad and for our soldiers when they are captured on the battlefield. We must uphold the same high standards for individuals in our custody or we will rightly be branded as hypocrites, and we will put our soldiers and our citizens in danger. I cannot emphasize that enough.

Next year will mark the 30th anniversary of the Senate Intelligence Committee. The committee was created in the crucible of an extensive bipartisan investigation in 1975, led by Senators Frank Church and John Tower, into allegations of abuse by U.S. intelligence agencies. One conclusion, as described by Howard Baker—somebody I admire enormously—was that the congressional oversight system had provided ''infrequent and ineffectual review'' and that ''many of the abuses revealed might have been prevented had Congress been doing its job.''

Accordingly, the resolution establishing the Intelligence Committee charged it 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 the laws of the United States.''

It is time for the Senate Intelligence Committee to carry out the vigilant legislative oversight that is our duty and which a number are calling for us to do. We should launch a comprehensive and constructive investigation into the detention, interrogation, and rendition practices of the intelligence community because it is long overdue.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD several editorials that have appeared around the country calling for congressional action. They include editorials from many newspapers, including the Washington Times and newspapers from Tennessee, Oregon, Florida, Maryland, New York, and California.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Petersburg Times, Feb. 17, 2005]

INVESTIGATE THE CIA

The extensive use of ''extraordinary rendition,'' by which the CIA moves terrorist suspects to undisclosed prisons around the world for interrogation, has to be the agency's worst kept secret. News reports abound of potentially dozens of al-Qaida suspects held overseas by the CIA, incommunicado and without charge or turned over to the security services of other nations known for their abusive treatment of prisoners, such as Egypt and Syria.

Congress has been inexcusably reluctant to investigate these actions. The Republican leadership apparently has been happy to let the CIA dirty its hands with extralegal strategies in the nation's efforts to fight terrorism. But thanks to some pushing by Sen. John D. Rockefeller IV, D-W.Va., the ranking Democrat on the Senate Intelligence Committee, Congress may begin to open its eyes. Rockefeller has asked the committee to open a formal investigation into the CIA's use of detention, interrogation and rendition. Rockefeller told the New York Times that he felt the committee would be ''derelict if we did not carry out our oversight responsibilities.''

Until now, Congress has done little more than shrug as more evidence has emerged of U.S. intelligence services engaging in brutal interrogations. During the Senate confirmation proceedings of Attorney General Alberto Gonzales, it became clear that the CIA had solicited the Justice Department memorandum giving legal cover to those who use aggressive techniques against prisoners. The CIA wanted to protect its agents from criminal liability. And the administration's view remains that the CIA is not bound by the president's 2002 directive that prisoners in American custody be treated humanely. Late last year, when some in Congress sought to impose new limits on abusive interrogation tactics by the CIA, the White House intervened and the those limits were dropped.

Congress has willingly collaborated in this charade that America is maintaining its moral authority in the world even as it adopts the tactics of human rights abusers. But as former Secretary of State Colin Powell and retired military leaders have repeatedly warned, when America approves of the use of torture it puts its own soldiers in danger of facing the same brutality.

Rockefeller's call for an investigation seems to have some momentum. Sen. Pat Roberts, R-Kan., the Intelligence Committee's chairman, is open to the suggestion. This is Congress' duty. The committee should demand a full accounting of every detainee under the direct or indirect control of the CIA, and it should demand to know precisely what techniques have been used to elicit information. This has been allowed to go on far too long.

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[From the Sunday Oregonian, Mar. 6, 2005]

THE TORTURE BUSINESS LANDS IN PORTLAND

(By David Sarasohn)

It could make you wonder if congressmen are interested in economic development.

Rep Earl Blumenauer, D-Ore., is actually asking Congress to investigate a hometown company. Moreover, the company is in a booming business, which will be profiled on ''60 Minutes'' tonight.

In fact, this worldwide business is so big, nobody even knows how big it is—or how big it could get.

You'd think we'd want a piece of it.

But at the end of February, Blumenauer wrote leaders of the International Relations Committee, ''I am simply appalled by continued revelations in the media regarding the torture of detainees in American custody, whether by CIA officials, military personnel, or after being transferred to foreign governments.

''The extensive reports of physical and mental abuse at American detention facilities around the world, the evidence of detainees being turned over to other countries to be interrogated and tortured, and continued efforts by the Bush administration to restrict legal and constitutional protections from detainees form a compelling case that these are not isolated incidents but administration policy.''

Moreover, Blumenauer wrote, ''I am additionally troubled by the use of a Gulfstream V jet registered to a shadowy—and possibly illegal—dummy front company, Bayard Foreign Marketing LLC, in my hometown of Portland, Oregon. Press reports have found no public record of the company's alleged owner, nor have calls to their office been successful at locating him. The evidence certainly points to a violation of Oregon law in order to hide the true nature and breadth of this extraordinary rendition program.''

Picky, picky, picky.

Here we have a Portland company involved in what is clearly a growth industry—the United States shipping prisoners secretly around the world to be tortured by countries that lack the U.S. Constitution or scruples—and people insist on looking at it as a human rights violation instead of an economic development opportunity.

In November, the Sunday Times of London reported a flight log for the Gulfstream showing more than 300 flights to countries such as Libya and Uzbekistan—countries that not only offer an expansive view of interrogation, but are normally difficult to get to from Portland. It's not clear if passage on the plane is ever round-trip.

At the time, the plane was owned by Premier Executive Transport Services of Dedham, Mass., which the Boston Globe found had the same non-existent corporate structure as Bayard Foreign Marketing. ''Sightings of the plane,'' said the Globe, ''. . . have been published in newspapers across the globe and on the Internet.''

Tonight, ''60 Minutes'' profiles another plane in the same business, a Boeing 737 that has made 600 flights since 9/11, including 10 to Uzbekistan—where the British ambassador at one point complained to his superiors and to U.S. authorities about how the prisoners were being tortured, techniques involving rape, suffocation and immersing limbs in boiling liquid.

As one of the CIA agents who set up the program explains to the show's reporter, ''It's finding someone else to do your dirty work.''

Except that nobody around the world seems to be fooled. When Blumenauer went to East Asia to inspect tsunami damage, people everywhere—China, Thailand, Indonesia—wanted to talk about what happened to those in U.S. custody. ''It just happened repeatedly,'' he said Friday.

Last week, when the State Department issued its annual report on human rights, countries from China to Turkey responded that the United States had no standing to comment on the issue. Noting the irony of the United States condemning countries where it was shipping its prisoners, William F. Schulz of Amnesty International suggested, ''The State Department's carefully compiled record of countries' abuses may perversely have been transformed into a Yellow Pages for the outsourcing of torture.''

Congress, thinks Blumenauer, might at least want to ask some questions.

''There is so much of what is happening that is not accountable,'' he says. ''To suggest that there are thousands of people caught up with this is no exaggeration.''

And Blumenauer is now even more interested, since he's found the program is almost a constituent.

Torture, it seems, now has a Portland address.

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[From the Times Union, Mar. 10, 2005]

TORTURE ON THE WING

Most Americans would cringe at any suggestion that there are parallels between the human rights abuses in Argentina during the 1970s, and Central Intelligence Agency interrogations of suspected terrorists today. But the similarities are there, and that should shame the Bush administration and Congress. An investigation is more than warranted.

During the years when a military junta ruled Argentina, suspected political opponents ''disappeared.'' They were imprisoned by government forces and tortured. Many were murdered, but some were returned to the streets to tell their stories.

No one has suggested that the CIA interrogators have systematically murdered captives, to be sure. Nor is there any way to know if American citizens have been seized. But the very secrecy of these operations, and the lack of accountability, raise the possibility that such abuses can occur.

What is known is distressing enough. Recent news accounts have detailed how CIA agents or mercenaries—it's hard to tell because the captors are masked—have been abducting suspected terrorists, putting them aboard planes and flying them to countries like Syria, Saudi Arabia, Egypt and Afghanistan, where they are interrogated and tortured.

The abductions aren't a new development, either. Indeed, former President Clinton once advocated kidnapping Osama bin Laden and turning him over to Saudi Arabia, where he would face ''streamlined'' justice. But according to a New York Times article printed in this newspaper Sunday, the abductions have been stepped up markedly in response to the terrorist attacks of Sept. 11, 2001. There is no requirement that the CIA get prior approval from the Justice Department or the White House to seize a suspect. And by sending captives to foreign countries, there is no obligation to afford the captives any rights under American law, including the prohibition against torture.

Defenders of these operations claim that they are justified because they have produced information that has saved American lives by thwarting possible terrorist attacks. Others argue that in a time of war, extreme measures are often necessary. Given the urgency of breaking up terrorist plots, they argue, there is little time to observe a long legal process. Moreover, the suspects are most likely foreigners or illegal immigrants, not citizens who are being deprived of their right to due process.

The consequences of such abductions can't be so easily dismissed, however. Without a system of checks and balances, there is no way to know whether there was good reason to detain someone. That point was driven home during an interview with one detainee, who told the television news program ''60 Minutes'' last Sunday of being abducted while on vacation in Macedonia, shackled, put on a plane and flown to the Middle East for interrogation. He was later released on his own in Albania after, he claims, his captors acknowledged they had confused his name with that of a terror suspect.

Then there's the matter of placing Americans living abroad at risk of being abducted by terrorist organizations who hope to use their hostages to bargain for their comrades' release.

Finally, and hardly least, there is the damage to America's image and values. At the least, Congress should demand some system of accountability to prevent abuses. More than that, it should investigate the claims that these operations have indeed provided life-saving intelligence, or if they have merely tarnished the image of a nation committed to the rule of law.

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[From the Fresno Bee, Mar. 14, 2005]

GLASS HOUSES HUMAN RIGHTS REPORT HAS ONE GLARING OMISSION—THE UNITED STATES

As required by Congress, the State Department has issued its annual report on human rights progress, or the lack of it, in countries around the world.

Among those faulted are a number of U.S. allies, including the provisional government in Iraq that is partly a U.S. creature. As always, only one country was missing: the United States.

That's not entirely self-serving. This country doesn't rate itself because, as a State Department official put it, ''it wouldn't have any credibility.'' Besides, he said, there's no shortage of critics, including U.S.-based human rights groups.

But this year's report comes at an especially awkward time. There is continuing evidence of abuses in U.S.-run prisons in Afghanistan, Iraq and at Guantanamo Bay, Cuba—the same kind of abuses for which State's report rightfully faults other governments. But there has not been the full, impartial probe that's needed to give a fuller picture of what happened and who, at whatever level, is responsible.

As long as the United States fails to fully investigate, report and correct its own lapses, it allows abusive regimes abroad to deflect criticism by asking: Who is the United States to judge?

Indeed, Russia and China did just that following publication of the State Department report.

It's a fair question, and part of the response should be a thorough attempt to go beyond the focus on abuses by low-level military and intelligence personnel. Too much is already known to accept the facile explanation that the accumulating scandal reflects only isolated ''rogue'' behavior.

And while there have been several investigations, and more continue, all have been conducted by or for the Pentagon, which is unlikely to point the finger of blame upward. Whatever the full truth may be about where ultimate culpability lies, an air of cover-up hovers over the process.

On Capitol Hill, Sen. Pat Roberts, the Republican chairman of the Senate Intelligence Committee, has rejected a proposal by the Democratic vice chairman, Sen. Jay Rockefeller, to launch a broad probe into the role of U.S. intelligence agencies in the detention, interrogation and ''rendition''—transferring to the custody of foreign governments—of terror suspects. This standoff suggests a partisan approach to a vital national security matter.

What's at stake in the investigation of prisoner abuses is the credibility of this country, which is likelier to be restored through an independent, nonpartisan investigation that lays out whatever facts it finds.

Perhaps there is no ''smoking gun'' to be found at the top. But for as long as the process remains an essentially in-house exercise, those annual State Department human rights reports will continue to raise the question: Who is the United States to judge?

[From the Baltimore Sun, Jan. 31, 2005]

AMERICAN SCAR; PERMITTING TORTURE BRANDS US IN THE WORST WAY

(By George Hunsinger)

When the Senate confirms Alberto R. Gonzales as U.S. attorney general, the vote will be the beginning, not the end, of public debate about our government's policy on torture.

The Abu Ghraib scandal is only the most visible sign that this policy is inconsistent. Officially, our government opposes torture and advocates a universal standard for human rights. Yet, at the same time, it has allowed ingenious new interrogation methods to be developed that clearly violate these standards. They include stress positions, sleep deprivation, sexual humiliation and desecration of religious objects. These practices, which should never be used, are no less traumatic than the infliction of excruciating pain.

For religious people, torture is especially deplorable because it sins against God and against humanity created in God's image. It degrades everyone involved—planners, perpetrators and victims.

More than 225 Christian, Jewish, Muslim and Sikh religious leaders signed an open letter to Mr. Gonzales. They objected to his role in developing a narrow definition of torture and to his equally troubling assertion that some people are not subject to the protections of international law. They registered deep concern about our government's moral foundations, urging support—in practice, not just in words—for fundamental human rights.

Four steps must now be taken to clarify that our government has truly abolished torture.

First, Congress must remove the false partition placed between the military and intelligence services governing extreme interrogation techniques tantamount to torture. The Senate was right to pass, nearly unanimously, new restrictions for the Pentagon, CIA and other intelligence services. But congressional leaders in both houses later buckled under White House pressure and scrapped the language governing intelligence services.

Whether the military or intelligence services are conducting practices tantamount to torture is of absolutely no significance. Trying to differentiate between the two perhaps eases the conscience of decision-makers, but it is a distinction without a difference. It fails to insulate us from the absolute evil that is torture.

Second, Congress must outlaw ''extraordinary rendition,'' a euphemism for torture by proxy. It means that detainees are secretly transferred to countries where torture is practiced as a means of interrogation. Although made public only through shocking cases, such as those of Maher Arar, who was deported to Syria by the United States, and Mamdouh Habib, an Australian citizen who was sent to Egypt before being held at Guantanamo, it has become a mainstay counterterrorism tool.

Does it really need to be said that ''disappearing'' people without any kind of due process is contrary to everything America stands for, not to mention our laws and treaties? The reasons for a detainee's arrest and his guilt or innocence are irrelevant. No sound moral argument can be made that enabling torture through rendition is permissible.

Third, Mr. Bush should make a clear statement that torture is wrong in any form and under any circumstances. He should state beyond a shadow of doubt that America will not be complicit in its commission. Leadership from the president would go a long way toward resolving the torture crisis.

Finally, America needs a special prosecutor. Our reputation has been so badly damaged by Guantanamo, Bagram and Abu Ghraib that no other remedy will do. The existing investigations are not enough because they have not been truly independent. Organizations such as the American Bar Association, Amnesty International and the highly respected International Commission of Jurists in Geneva have all insisted that an independent investigation is imperative.

Nothing less is at stake in the torture crisis than the soul of our nation. What does it profit us if we proclaim high moral values but fail to reject torture? What does it signify if torture is condemned in word but allowed in deed? A nation that rewards those who permitted and promoted torture is approaching spiritual death.

George Hunsinger is McCord professor of theology at Princeton Theological Seminary and coordinator of Church Folks for a Better America.

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[From Chattanooga Times Free Press, Feb. 8, 2005]

STORIES FROM THE INSIDE

''During the whole time we were at Guantanamo,'' said Shafiq Rasul, ''we were at a high level of fear. When we first got there the level was sky-high. At the beginning we were terrified that we might be killed at any minute. The guards would say to us, 'We could kill you at any time.' They would say, 'The world doesn't know you're here. Nobody knows you're here. All they know is that you're missing, and we could kill you and no one would know.' ''

The horror stories from the scandalous interrogation camp that the United States is operating at Guantanamo Bay, Cuba, are coming to light with increased frequency. At some point the whole shameful tale of this exercise in extreme human degradation will be told. For the time being we have to piece together what we can from a variety of accounts that have escaped the government's obsessively reinforced barriers of secrecy.

We know that people were kept in cells that in some cases were the equivalent of animal cages, and that some detainees, disoriented and despairing, have been shackled like slaves and left to soil themselves with their own urine and feces. Detainees are frequently kicked, punched, beaten and sexually humiliated. Extremely long periods of psychologically damaging isolation are routine.

This is all being done in the name of fighting terror. But the best evidence seems to show that many of the people rounded up and dumped without formal charges into Guantanamo had nothing to do with terror. They just happened to be unfortunate enough to get caught in one of Uncle Sam's depressingly indiscriminate sweeps. Which is what happened to Shafiq Rasul, who was released from Guantanamo about a year ago. His story is instructive, and has not been told widely enough.

Rasul was one of three young men, all friends, from the British town of Tipton who were among thousands of people seized in Afghanistan in the aftermath of Sept. 11, 2001. They had been there, he said, to distribute food and medical supplies to impoverished Afghans.

The three were interviewed soon after their release by Michael Ratner, president of the Center for Constitutional Rights, which has been in the forefront of efforts to secure legal representation for Guantanamo detainees.

Under extreme duress at Guantanamo, including hundreds of hours of interrogation and long periods of isolation, the three men confessed to having been in a terrorist training camp in Afghanistan. They also said they were among a number of men who could be seen in a videotape of Osama bin Laden. The tape had been made in August 2000.

For the better part of two years, Rasul and his friends, Asif Iqbal and Rhuhel Ahmed, had denied involvement in any terror activity whatsoever. But Rasul said they eventually succumbed to long months of physical and psychological abuse. Rasul had been held in isolation for several weeks (his second sustained period of isolation) when an interrogator showed him the video of bin Laden. He said she told him: ''I've put detainees here in isolation for 12 months and eventually they've broken. You might as well admit it now.''

''I could not bear another day of isolation, let alone the prospect of another year,'' said Rasul. He confessed.

The three men, all British citizens, were saved by British intelligence officials, who proved that they had been in England when the video was shot, and during the time they were supposed to have been in Qaida training camps. All three were returned to England, where they were released from custody.

Rasul has said many times that he and his friends were freed only because their alibis were corroborated. But they continue to worry about the many other Guantanamo detainees who may be innocent but have no way of proving it.

The Bush administration has turned Guantanamo into a place that is devoid of due process and the rule of law. It's a place where human beings can be imprisoned for life without being charged or tried, without ever seeing a lawyer, and without having their cases reviewed by a court. Congress and the courts should be uprooting this evil practice, but freedom and justice in the United States are on a post–9/11 downhill slide.

So we are stuck for the time being with the disgrace of Guantanamo, which will forever be a stain on the history of the United States, like the internment of the Japanese in World War II.

Mr. ROCKEFELLER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I regret that I am compelled to speak on this subject. The topic of the day is the confirmation of Ambassador John Negroponte to be the new National Director of Intelligence, but it appears as if that topic has now changed, and I have no alternative but to respond in that basically the purpose and the responsibilities of the Intelligence Committee have been challenged by the vice chairman.

I understand that the vice chairman feels strongly about this issue. We have discussed this at length—not as much as I had hoped and that we had intended to—to seek common ground, but he feels so strongly that he offered an amendment to the supplemental appropriations bill, which he has discussed.

I feel equally as strong, so much so that I filed a second-degree amendment in response. My second-degree amendment is in stark contrast to the amendment offered by my colleague and my friend. My amendment actually expresses support for our Armed Forces and intelligence officers, rather than calling into question their actions, while they are on the front lines in the war on terror. The amendment underscored the Intelligence Committee's continuing aggressive oversight of all aspects of the war on terror, including terrorist detention and interrogation.

The Rockefeller amendment is a sense of the Senate, as he indicated, calling for the Intelligence Committee to launch yet another formal investigation of the men and women who are prosecuting the war against the terrorists. The proposed Rockefeller investigation, as I read the parameters originally proposed and then refined, I think would be virtually boundless in its exploration of any matter even tangentially related to the use of rendition, detention, and interrogation of terrorists.

I want my colleagues to know that these are the very tools that are being used by our brave men and women in the military and intelligence agencies to combat a continuing terrorist threat against every American and our interests. They are also critical in our efforts in Iraq and Afghanistan, and they are saving lives as I speak.

I oppose the efforts of Senator ROCKEFELLER to launch yet another wide-ranging investigation because I believe, despite what he believes—and reasonable men can certainly disagree—that it is currently unnecessary. I believe it would be impractical and damaging to the ongoing operations and morale of the people who are doing the job.

We are not sitting on the sidelines. We are not being passive, we are not rebuffing, we are not defaulting, and we sure as heck are not going to let the media drive the agenda within the Intelligence Committee with regard to classified information and our national security. The Senate Intelligence Committee, in the conduct of its normal but aggressive oversight responsibilities, is examining the broad issues of the effectiveness of interrogation operations, the humane treatment of detainees, the role of intelligence in tribunals and combatant status review boards, and, yes, rendition operations.

In conducting this oversight, just this past month committee staff—both minority and majority—once again visited the detention facility at Guantanamo Bay for onsite inspections, briefings, and discussions. The committee is continuing its oversight through visits, interviews of relevant individuals and personnel, through requests of documents, reviews of prior investigations, and briefings from intelligence community element, using basically the same methodology we used during the WMD review and investigation.

In other words, we are doing our job. I believe we are fulfilling our oversight responsibilities. And there are still ongoing investigations, including the Navy inspector general's investigation into FBI allegations of abuse at Guantanamo Bay in Cuba and the comprehensive efforts of the CIA inspector general of which we are fully informed to the degree that we have never been informed before.

Further, I believe the Rockefeller proposal is unnecessary because this issue has been thoroughly investigated over the past 3 years. We have investigated and investigated and investigated. In fact, we have investigated the investigations.

Let me give you an idea of how many times our own people have been investigated: in January 2002, the Custer report; January 2003, the DOD general counsel and DOD working group, with relation to the interrogation of detainees held in the global war on terrorism; September 2003, the Miller report; November 2003, the Ryder report; May 2004, the Navy inspector general review; June 2004, the Taguba report in regard to the tragedy that happened in Abu Ghraib; June 2004, the Jacoby report; July 2004, the Mikolashek report; August 2004, the Jones and Fay investigation; mid-August 2004, the Schlesinger Commission; August 2004, the Formica report; December 2004, the Army Reserve Command inspector general's assessment of military intelligence and military police training; March 2005, last month, the Church report.

This issue has been—and will continue to be—thoroughly investigated by inspectors general and criminal investigators from the DOD, all of the uniformed services, the CIA, and the Justice Department. It is hard to keep track, but I count at least 15 comprehensive national level investigations and well over 300 investigations of specific allegations of abuse. Between these investigations and our regular and aggressive oversight—I will emphasize, our regular, aggressive oversight—I am comfortable as chairman that the Intelligence Committee is meeting its responsibilities.

I want my colleagues to also think about something else. Last year, just as we have talked about, we enacted the most comprehensive reorganization of the intelligence community since its creation over 50 years ago. We created the position of the Director of National Intelligence and gave him new authorities and enormous responsibilities, further encumbered by our very high expectations. We have all spoken to that during this confirmation process.

If the Intelligence Committee embarks on an unnecessary and boundless what some would even call a fishing expedition that is surely to be tainted by politics, suggested by any leak that has appeared in the press, it will be the first thing that greets the new DNI when he takes office. As Ambassador Negroponte begins the difficult process of fixing what we and numerous commissions have said need fixing, he would be met with endless requests for documents, interviews, and hearings. So Ambassador Negroponte and General Hayden need to hit the ground running, and that would be exceedingly hard to do if they land right in the middle of an unnecessary congressional investigation.

I believe that would be a very serious mistake and contrary to the intent of Congress.

Finally, I oppose Senator ROCKEFELLER's investigation because it will hinder ongoing intelligence collection, and I believe it would damage morale.

My colleagues should know there is a consensus in the intelligence community that terrorist interrogations are the single best source of actionable intelligence against the ongoing plans and plots of our enemy. Terrorist interrogations today are saving lives in Iraq—American lives, Iraqi lives, Afghan lives—and are subverting plots against our own homeland.

The information gleaned from interrogating terrorists is doing exactly what I said in terms of the priority that we have and our responsibilities on the Intelligence Committee in reference to our national security. The majority of usable and actionable intelligence against al-Qaida comes from the terrorist interrogations and debriefings. We must preserve this irreplaceable source of information. Do it right, yes, but we must preserve it.

There is no doubt that this is a delicate intelligence oversight issue. The oversight of detention and interrogation does command a large portion of the Intelligence Committee staff and time and effort. We must continue to treat interrogation as a delicate oversight issue or we risk losing it.

I am concerned an unnecessary informal investigation would accomplish little beyond what we already do in the course of our normal and, yes, aggressive oversight efforts. As I have said on other occasions, it will likely cause risk aversion, the very thing we are trying to avoid.

The constant and repetitive investigations of our frontline personnel will have a chilling effect, a no-confidence vote, really, on the collection of intelligence through interrogations.

The Senate and the Intelligence Committee should be publicly supportive of our men and women of our Armed Forces and intelligence agencies because the overwhelming majority of these people are doing their best to protect us all. Where there have been allegations, they are reported and they are being investigated. And after they are investigated, they are turned over to the Justice Department, if warranted, and people are being charged.

Frankly, I am fast losing patience with what appears to me to be almost a pathological obsession with calling into question the actions of the men and women who are on the front line in the war on terror. Some of these very courageous individuals wear uniforms and some do not. They leave their spouses and children at home, after assuring them that everything will be all right, with the understanding that it may not be all right, and sometimes it is not all right. They travel to the other side of the world in the service of their country with a reasonable expectation that their country supports them. At times they make mistakes, and sometimes they make serious mistakes for which they must account, and rightfully so, and we are doing that.

But as we sit here in the relative safety and comfort of the Capitol complex, I cannot help but think that some of us have lost our perspective. We will and must do our duty as elected officials. As I have indicated, we will continue aggressive oversight on this issue, and we will reach out to our friends across the aisle to incorporate their concerns. But, Mr. President, I say to my friends, we are at war. Therefore, our first and foremost duty is to support our troops and intelligence officers at home and abroad. I, for one, will not advocate using the constitutional authorities vested in this great institution as a blunt instrument on the very people we depend on to keep us safe every day.

I am on their side. And make no mistake, if we sanction another needless investigation, it will be a very public vote of no confidence in our men and women on the front lines in the war on terror. I, for one, have not lost confidence in our people.

The Senator from West Virginia referred to the almost daily revelations regarding the alleged abuses. It is very clear to me what is happening. Facts already known to us and to investigators are now finding their way into the press through Freedom of Information Act requests and, quite frankly, leaks. In Washington, a leak is not a leak until somebody gets wet. I can tell you, on the Intelligence Committee, we are right about up to here, and the same thing is true in many other agencies.

I do not think I am being conspiratorial when I suggest this is a deliberate effort to give the public the impression that this is an ongoing and growing problem. It is not. I do not believe it is. Mistakes have been made by our military and our intelligence agencies, and the Justice Department has responded properly with investigations of abuse and misconduct. We will oversee that. We are being told that, and we are being kept fully informed. I will always meet our oversight duties using facts not press reports.

I urge my colleagues to consider this, as we have two options to take. Again, I offer the open door of suggestions just as we did with the WMD inquiry to incorporate concerns of the minority on the committee with responsibilities as I see them as chairman of the Intelligence Committee and do our due diligence.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, how much time do I have remaining under the agreement that was entered into earlier?

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator has 29 minutes remaining.

Mr. WYDEN. Mr. President, I yield 5 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank my colleague. Needless to say, all of us on the Intelligence Committee do all of this for the protection of the American people and protection of the American troops. That goes without saying.

I have to say that all of the investigations to which my friend and distinguished chairman of the Intelligence Committee referred in his remarks were all about the military. None of them were authorized to get into or had access to information about the Central Intelligence Agency and its role. We do not investigate the military in particular; the Armed Services Committee does. We investigate the Central Intelligence Agency and any other intelligence efforts with respect to detention, interrogation, and rendition.

So there are lots of studies that have been done, but there are precious few, if any, that have been done with respect to the intelligence community.

I have put forward this amendment because I think it must be done. I do not consider it irrational. I do not consider it against our troops. I think I made the point it is in part to protect our troops because we are going to be facing these kinds of situations for years and years to come.

I look forward to and I have some confidence that the chairman and myself and members of the committee can come to an agreement on how we approach this in a way which works, gives us the information we need, and we can proceed forward to protect our soldiers.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will speak very briefly on this matter because I would like to support Senator ROCKEFELLER's call for an inquiry into this area, particularly as it relates to rendition.

Let me begin by saying that I strongly agree with my friend and chairman, the distinguished Senator from Kansas, with respect to how important a time this is with our people in harm's way. Chairman ROBERTS is absolutely right that the fight against terrorists certainly is not a nice business. We understand that.

I want to take a minute and support Senator ROCKEFELLER in the hopes we can work this out and do it in a bipartisan way along the route we took with respect to Iraq, where we got a unanimous agreement in our committee and showed a difficult area could be tackled in a bipartisan way.

The reason I support Senator ROCKEFELLER and want this matter addressed is I think this inquiry could especially provide another useful tool in our fight against al-Qaida. I say that because the longer the war against al-Qaida and its associates goes on, the more we realize what a sophisticated enemy we are facing.

Bin Laden and his followers understand the modern media, both here and abroad. They know that allegations of torture and mistreatment undercut our efforts amongst our allies and influences world opinion against the United States. It seems to me we cannot allow ourselves to be defamed by deceitful and murderous madmen who have learned how to manipulate public perception.

What Senator ROCKEFELLER is talking about would provide us, through an inquiry, the opportunity to discredit information collected from al-Qaida and other terrorists in custody. Torture is not an effective way of getting valuable, credible intelligence. A suspect in extreme pain or psychological stress will lie about anything and everything necessary to stop what that suspect is enduring, and if the possibility of torture is removed, those analyzing the information will have greater faith in the reporting.

If, however, an investigation proves that torture was used by anyone, we will have an additional reason to question the information and better ability to determine the truth from fabrication. So I come to the floor today to say I support Senator ROCKEFELLER in terms of his request. I think Senator ROBERTS, the chairman of our committee, makes a very valid point about the sensitivity of this time, our people being in harm's way, terrorists will stop at nothing, and I think what Senator ROCKEFELLER is talking about could provide an additional tool, an additional opportunity, to strengthen the fight against al-Qaida by publicly correcting their lies and to give us an opportunity to expose the al-Qaida spin machine.

I have spoken at some length on the floor this afternoon, but I want to make clear that I hope the distinguished chairman and the ranking member can work this out. I support Senator ROCKEFELLER.

I yield the floor.

Mr. KOHL. Mr. President. I rise today in support of the nomination of Ambassador John D. Negroponte to serve as our first Director of National Intelligence, a position whose importance to our national security cannot be stressed enough.

After 9/11 and the failure of the intelligence community to predict the absence of weapons of mass destruction in Iraq, study after study has told us that our intelligence system is broken, and desperately in need of repair. We began the process of fixing our intelligence community in December, when we passed the Intelligence Reform Act of 2004. Arguably the most important part of that legislation was the creation of a new position—the Director of National Intelligence—with appropriate budgetary and personnel authority to effectively coordinate the fifteen different intelligence agencies. Eliminating gaps and ensuring that our intelligence agencies are working together is vital to winning the war against al Qaeda, as well as to our long-term national security.

That having been said, the mere creation of this position was not a silver bullet. Many challenges lie ahead for the new DNI. Transforming our intelligence agencies—getting them to work together and share information—will not be easy. According to the Robb-Silverman Commission, turf battles are again emerging between the Central Intelligence Agency, CIA, Federal Bureau of Investigation, FBI, and Department of Defense, DOD. These turf battles contributed to past intelligence failures, and if we are going to truly reform the intelligence community, we need to put an end to this. The key to a well-functioning intelligence community is to resolve these disputes in the best interest of the country, and not one agency or another. Independence and strong leadership are essential to the DNI's success.

Good intelligence is vital to our ability to protect against the threats we face today, as well as the threats we will face in the future. That cannot happen without better management, a DNI to coordinate all of our intelligence efforts—to make sure everyone involved remembers that we are all on the same team, working toward the same goal. It is critical that he succeed in making meaningful changes to our intelligence community. These are high hurdles, but I believe Ambassador Negroponte is up to the job.

Mr. LEVIN. Mr. President, I want to discuss the nomination of John Negroponte to be the first Director of National Intelligence. This is a new position created by Congress as a key element of intelligence reform after the recommendations of the 9/11 Commission, and after the many failures we saw concerning intelligence on Iraq and weapons of mass destruction.

I want to discuss one particular aspect of the problems we had with the intelligence community, and how I hope Ambassador Negroponte will improve upon that situation.

In the course of conducting oversight of the executive branch, Congress requires information and documents produced by the executive branch, including from the intelligence community. This is especially true in cases where Congress, or members of Congress, are conducting oversight for which they are responsible.

Unfortunately, it has been disturbingly difficult to obtain information and documents from this administration on a number of serious issues and from a number of agencies, including from the intelligence community, as well as from the Defense and Justice Departments.

The only conclusion I can draw from my experience in seeking information and documents from this administration as part of my oversight responsibilities is that too often they have not cooperated fully or appropriately.

Let me turn to some specific examples. Each year, the Armed Services Committee holds a hearing with the senior leaders of the intelligence community on worldwide threats. After the hearings, members write questions for the record, and the answers are made part of the official hearing record.

Last year, on March 9, 2004, the Armed Services Committee held its annual worldwide threat hearing with the Director of Central Intelligence or DCI, George Tenet, and the Director of the Defense Intelligence Agency, Admiral Lowell Jacoby. But the CIA did not answer all the questions for the record until one year later, after I brought this delay to the attention of the new DCI, Porter Goss.

In June 2003, as the ranking member of the Armed Services Committee, I initiated a minority staff inquiry into the pre-war intelligence on Iraq, and the use of that intelligence by the administration. In order to conduct this inquiry, it was necessary to request many documents from the intelligence community, as well as from the Defense Department.

Although the intelligence community provided some documents, they stonewalled other requests. For example, on April 9, 2004, I wrote to Director of Central Intelligence George Tenet, requesting the declassification of three sets of briefing charts produced by the Office of Under Secretary of Defense Douglas Feith concerning the Iraq-al Qaeda relationship. The charts contained intelligence that only the intelligence community could declassify.

I knew that one slide, which had been declassified previously at my request, was highly critical of the intelligence community's assessment of the Iraq-al Qaeda issue, and that it had been shown to Defense Secretary Rumsfeld and later to the staffs of the Office of the Vice President and the National Security Council, but that it had not been shown to DCI Tenet when he was briefed.

On July 6th, I received a letter from Stanley Moskowitz, the Director of Congressional Affairs at the CIA. His letter said that in response to my April 9 request, the ''declassification review of the charts is underway and we hope to have an answer to you shortly. We apologize for the delay.''

However, although his staff told my staff that they were working on the request, and later that they had completed the review, the documents were not forthcoming, nor was an explanation for the delay. I finally received the documents earlier this month, after the current Director of Central Intelligence, Porter Goss, provided them.

In another example, on April 29, 2004, I requested the declassification of specific portions of three finished intelligence reports from the CIA concerning the relationship between Iraq and al Qaeda. I requested that they respond by May 10th, but they did not reply for 2 months.

In that same July 6th letter from Stanley Moskowitz, it said that, in response to my April 29 request, ''the declassification review is underway and we hope to have an answer to you shortly.''

However, the CIA did not provide an answer ''shortly.'' It did not provide any answer until after Director Tenet had left the CIA, and I had brought the situation to the attention of the new management team. The declassified materials were finally provided on April 6, 2005, nearly a year after the request.

I have had similar problems with obtaining documents from the Department of Defense. I made a request for documents on November 25, 2003, and I am still awaiting documents from that request.

In that case, the Defense Department said it was withholding some of the documents to determine whether they were covered by executive privilege. It did so until late March, when it finally provided some of the documents, 16 months after my original request. I would note that it is unclear what possible executive privilege concern could exist for these documents, some of which were unclassified talking points to be used by Pentagon officials.

In the same case, the Defense Department originally told me they were withholding some documents containing intelligence information that was ''Originator Controlled,'' also known as ORCON. The Department promised me that they would provide any documents cleared for release by the CIA. But instead of doing so, they simply swept all the CIA-cleared documents into their executive privilege review.

The new leadership of the CIA and the Intelligence Community, Porter Goss, is adopting a more responsive and responsible attitude toward congressional requests for information and documents than did his predecessor.

After I brought these delays to his attention at a hearing in March, he said he would look into the matter and ensure that the information was provided. And he did what he promised. On April 6th, he wrote me a letter as a follow-up to providing me the materials that had been delayed so long.

I would like to quote from the last paragraph of his letter:

> You should have received answers to these requests months ago. There is no excuse for such delays. I have conveyed to my staff that this is not how the Agency will treat requests.

That is the right approach to take. After all the frustrating delays and stonewalling, it is a welcome breath of fresh air. And I hope the window stays open for the whole Intelligence Community.

This brings me back to the nomination of Ambassador Negroponte to be the new leader of the Intelligence Community. At his nomination hearing before the Intelligence Committee, I asked him about this problem of stonewalling, ignoring, or delaying on requests for information and documents. I asked him if he would ensure that the intelligence community provides timely and responsive answers to such requests, and he basically said he would look into the situation.

Frankly, I was hoping he would have a more robust and positive answer, and that he would commit to taking steps, if confirmed, to ensure that the intelligence community is fully responsive in a timely manner to congressional requests for information and documents.

However, I am hopeful that when Ambassador Negroponte does look into the matter, he will be more responsive, in light of the law we just passed. He has a responsibility to the Nation, to the Congress, and to the people—not just to the President.

I have some of the correspondence outlining the problems I have described, and I would ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC, April 9, 2004.*

Hon. GEORGE TENET,
*Director of Central Intelligence,*
*Washington, DC.*

DEAR MR. DIRECTOR: I am writing to request information and action relative to a series of three briefings presented by the Office of the Under Secretary of Defense for Policy (OUSDP), Douglas Feith, to several audiences, entitled ''Assessing the Relationship between Iraq and al Qaeda.'' I believe you received a copy of these briefings as attachments to a letter written by Under Secretary Feith to me on March 25, 2004, a copy of which he sent to you.

According to Secretary Feith, the first briefing was presented to the Secretary of Defense in August, 2002. The second briefing was presented to you in August, 2002. The third briefing was presented to staff of the National Security Council (NSC) and the Office of the Vice President (OVP) in September, 2002.

I am requesting the following:

1. As these briefings contain intelligence information, I request that you declassify the briefings, to the greatest possible extent. One page used in two of the briefings (to the Secretary of Defense and to the NSC/OVP staffs) has already been declassified at my request.

2. Did the CIA see and clear these briefings before they were presented to the Secretary of Defense and to NSC and OVP staffs? If so, when? Did CIA request changes to the briefings? Given that they contain intelligence information controlled by the originating agencies, would such clearance requests be the normal course of action?

3. Please explain when you and when the CIA first learned of the existence of the OUSDP briefs; when you and the CIA first learned that this briefing was going to be (or had been) provided to the Secretary of Defense and to NSC and OVP staffs; and when the CIA first learned that a different version of the briefing was going to be (or had been) presented to NSC and OVP staffs than had been presented to the CIA.

4. Please provide the CIA's views on two aspects of these briefings: first, the substantive findings and conclusions (both implied and explicit) of the briefings; and second, the reliability of each intelligence item or report cited in the briefings.

5. Please provide your views on the appropriateness of two activities: first, the presentation by non-Intelligence Community personnel to senior policymakers or administration officials of any formal intelligence analysis that is not cleared by the Intelligence Community or made known to it; and second, the provision of comments and edits by entities outside of the Intelligence Community on the contents of Intelligence Community products, whether draft or final.

I appreciate your assistance in this request, and I look forward to your response by April 23, 2004.

Sincerely,

CARL LEVIN,
*Ranking Member.*

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U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC, April 29, 2004.*

Hon. GEORGE TENET,
*Director of Central Intelligence, Central Intelligence Agency, Washington, DC.*

DEAR DIRECTOR TENET: I request that you declassify the following information:

(1) From the June 21, 2002 Counter-Terrorism Center document relating to Iraq's relationship to al Qaeda (CTC 2002–40078CH): In the Key Findings section, p. i, third bullet under the first paragraph; p. iii, second bullet; p. v in its entirety (the Scope Note); In the main body of the report, p. 6, the second section on the page (first and second columns, one paragraph and two sub-bullets).

(2) From the October 2, 2002 National Intelligence Estimate on Iraq and weapons of mass destruction (WMD) (NIE 2002–16HC): p. 68, the first non-bulleted full paragraph and the two subsequent sub-bullets.

(3) From the January 29, 2003 Counter-Terrorism Center document relating to Iraq and terrorism (CTC 2003–40004HJX): beginning on p. 16, the section that begins with the last paragraph on the page, all of page 17, and the first two bullets on page 19; p. 27, second column: the section heading and first full paragraph under the heading; and the second-to-last full paragraph.

I would expect that expeditious declassification should be possible, given that you have already declassified significant portions of the October 2002 NIE, including all the key judgments, all the text concerning uranium, and the alternative views of the State Department's Bureau of Intelligence and Research.

Please have a member of your staff call Richard Fieldhouse of the Committee staff at 202–224–0750 with any questions or requests for clarification.

I appreciate your assistance with this request and look forward to your response by May 10, 2004.

Sincerely,

CARL LEVIN,
*Ranking Member.*

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THE DIRECTOR OF CENTRAL INTELLIGENCE,
*Washington, DC, April 6, 2005.*

Hon. CARL LEVIN,
*Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR SENATOR LEVIN: I have confirmed that responses to the long outstanding requests you brought to my attention during the Senate Armed Services Committee (SASC) Global Intelligence Challenges hearing have now been provided to the Committee. As you made me aware, these requests were from last year's Worldwide Threat hearing, as well as from correspondence dating back to last April. As promised, I instructed Agency personnel to promptly complete their review and provide appropriate and meaningful answers.

You should have received answers to these requests months ago. There is no excuse for such delays. I have conveyed to my staff that this is not how the Agency will treat requests.

Sincerely,

PORTER J. GOSS.

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CENTRAL INTELLIGENCE AGENCY,
*Washington, DC, July 6, 2004.*

Hon. Carl Levin,
*Ranking Democratic Member, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR SENATOR LEVIN: I am responding on behalf of the Director of Central Intelligence to your letter of 9 April 2004 requesting information and action relative to a series of briefings presented by the Office of the Under Secretary of Defense for Policy, Douglas Feith, to several audiences, entitled ''Assessing the Relationship between Iraq and al Queda.'' Specifically, you asked five questions. The responses to your questions are provided below.

1. As these briefings contain intelligence information, I request that you declassify the briefings, to the greatest possible extent. One page used in two of the briefings (to the Secretary of Defense and to the NSC/OVP staffs) has already been declassified at my request.

Answer: The declassification review of the charts is underway and we hope to have an answer to you shortly. We apologize for the delay.

2. Did the CIA see and clear these briefings before they were presented to the Secretary of Defense and to the NSC and OVP staffs? If so, when? Did CIA request changes to the briefings? Given that they contain intelligence information controlled by the originating agencies, would such clearance requests be the normal course of action?

Answer: CIA did not see or clear these briefings before they were given to the Secretary of Defense, NSC or OVP. The intelligence information used in these briefings was from products previously disseminated to IC and Executive Branch elements, to include DoD and the White House. There was no need for further clearance in presenting the intelligence information to the Secretary of Defense, NSC or OVP as the originator control clearance had been resolved at the time of initial dissemination.

3. Please explain when you and when CIA first learned of the existence of the OUSDP briefs; when you and the CIA first learned that this briefing was. going to be (or had ,been) provided to the Secretary of Defense and to NSC and OVP staffs; and when CIA first learned that a different version of the briefing was going to be (or had been) presented to NSC and OVP staffs than had been presented to the CIA.

Answer: We first learned of the brief in mid-August 2002 when it was presented to the DCI. We believe it was at that point that we learned that it had been presented to senior levels in the Pentagon. We did not learn that it had been presented to the NSC and OVP or that there were different versions until earlier this year.

4. Please provide the CIA's views on two aspects of these briefings: first, the substantive findings and conclusions (both implied and explicit) of the briefings; and second, the reliability of each intelligence item or report cited in the briefings.

Answer: The CIA's January 2003 paper, Iraqi Support for Terrorism, represents the CIA views on the issues covered in the DoD slides. This paper has been provided to the Committee.

5. Please provide your views on the appropriateness of two activities: first, the presentation by non-Intelligence Community personnel to senior policymakers or administration officials of any formal intelligence analysis that is not cleared by the Intelligence Community or made known to it; and second, the provision of comments and edits by entities outside of the Intelligence Community on the contents of the Intelligence Community products, whether draft or final.

Answer: The DCI responded to a similar question from you at the 9 March 2004 hearing. He said, ''My experience is that people come in and may present those kinds of briefings on their views of intelligence, but I have to tell you, Senator, I'm the President's chief intelligence officer; I have the definitive view about these subjects. From my perspective it is my view that prevails.''

Lastly, in response to your 29 April 2004 letter requesting the declassification of information contained in two Counterterrorism Center publications and the October 2002 National Intelligence Estimate, the declassification review is underway and we hope to have an answer to you shortly.

Sincerely,

STANLEY M. MOSKOWITZ,
*Director of Congressional Affairs.*

Mr. DOMENICI. Mr. President, I would like to express my support for John Negroponte to be the first Director of National Intelligence, DNI. I have the utmost respect for Ambassador Negroponte and confidence that he will excel in this position.

It is apparent that there is a need to improve our Nation's intelligence capabilities. The passage of the Intelligence Reform and Terrorism Prevention Act, by creating the position of Director of National Intelligence, is an important step in achieving this goal. Creating centralized leadership in the intelligence community will provide better management of capabilities and produce common standards and practices across the foreign and domestic intelligence divide. The position of DNI will better allow the intelligence community to set priorities and move resources where they are most needed. The position of DNI is going to be difficult and demanding. I believe Ambassador Negroponte's experience and character make him an excellent choice to take on this vast responsibility.

From 1960 to 1997 Ambassador Negroponte was a member of the Career Foreign Service, serving at eight different posts in Asia, Europe, and Latin America. He has been Ambassador to Honduras, Mexico, and the Philippines. Ambassador Negroponte also served as Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs and as Deputy Assistant to the President for National Security affairs.

More recently, Mr. Negroponte distinguished himself as ambassador to the United Nations, during the difficult time immediately after the terrorist attacks of September 11. Furthermore Mr. Negroponte last year became the first American Ambassador to Iraq since the fall of Saddam Hussein. In this role he played an important role in moving the nation of Iraq towards a democratic and stable future.

Ambassador Negroponte has a long and distinguished career during his more than 40 years of service to this

country. During that time he faced many challenges and difficult situations. I have the highest expectations that he will take on the assignment as Director of National Intelligence with the same dedication he has shown in the past. Under his leadership, I believe America will have the intelligence capability it so urgently needs to fight and win the continuing global war on terror.

Ms. SNOWE. Mr. President, I rise today in support of John Negroponte to be confirmed as the Director of National Intelligence. These are historic and perilous times as we continue to face enemies intent upon attacking us and the values and freedoms upon which our Nation was founded.

Because we still know very little about our Nation's most dangerous adversaries, the new Director of National Intelligence will be responsible for ensuring that this Nation's intelligence community has the collection and analytic expertise required to confront our greatest challenges no matter from which quarter they appear. While many are concerned about the emergence of China as a peer competitor in the Northern Pacific, we obviously still face the scourge of international terrorism, international criminal organizations and other transnational threats. And, of course, there remains the perplexing problem of gathering intelligence against closed societies such as Iran and North Korea so called ''hard'' targets.

Ambassador Negroponte has both the distinct privilege and solemn obligations that come with being the first Director of National Intelligence. How he leads, how he manages the community, how he shapes his role, the relationships he creates with the various agencies and their leaders will not only determine how effective he is in reforming our intelligence community but very likely how each of his successors will approach the oversight of our intelligence community as well. And the transformation he is charged with overseeing carries with it the future security of this Nation.

Our intelligence community professionals are the best in the world and every day they toil tirelessly, often unrecognized, in the shadows to keep this country safe. I believe they are eagerly looking for strong leadership so they can move forward with the business of securing the country.

It has been said that ''A leader takes people where they want to go. A great leader takes people where they don't necessarily want to go but ought to be.'' I believe that John Negroponte possesses the experience and leadership necessary to take this Nation's 15 intelligence agencies and the thousands of dedicated professionals in those agencies who toil to protect us all to where they ought to be.

He has demonstrated a recognition of the need to refocus our intelligence community, so that disparate intelligence agencies are working together more cooperatively, so that information access is improved to enable all relevant agencies to provide necessary input, and so that the intelligence products provided to national policy makers are not only timely but reflect the best judgment of the entirety of the intelligence community.

Ambassador Negroponte has taken on some of the toughest and most important jobs in our diplomatic service in his long and illustrious career as a Foreign Service Officer. He has been nominated for and confirmed as Chief of Mission in four embassies and as the President's representative to the United Nations. He has served in leadership positions within the Department of State and as a security advisor in the White House. John Negroponte has demonstrated the resolve and ability to take on tough management and policy positions and to perform admirably.

In the past 3 years, there have been four major investigations that have concluded that the time has come for significant reform in the intelligence community. In December 2002, the primary recommendation of the Joint Inquiry into the Terrorist Attacks of September 11, 2001 was that Congress should amend the National Security Act of 1947 to create a statutory Director of National Intelligence to be the President's principal advisor on intelligence with the full range of management, budgetary, and personnel responsibilities needed to make the entire U.S. Intelligence Community operate as a coherent whole.

Last July, the Senate Select Committee on Intelligence issued its Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq that found that although the Director of Central Intelligence was supposed to act as head of both the CIA and the intelligence community, for the most part he acted only as the head of the CIA to the detriment of the intelligence product provided to National policymakers.

Later that month, the 9/11 Commission issued their report on the terrorist attacks and also recommended that the current position of Director of Central Intelligence should be replaced by a National Intelligence Director with two main areas of responsibility: to oversee National intelligence centers and to manage the National intelligence program and oversee the agencies that contribute to it.

Finally, earlier this month the President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction found the Intelligence Community is ''fragmented, loosely managed, and poorly coordinated; the 15 intelligence organizations are a 'community' in name only and rarely act with a unity of purpose.'' They also concluded that the Director of National Intelligence will make our intelligence efforts better coordinated, more efficient, and more effective.

Clearly, with this many investigations and Commissions arriving at the same conclusions time and again, for the sake and safety of the Nation we must begin the transformation of the fifteen agencies tasked with collecting and analyzing intelligence into a single, coordinated community with the agility to predict, respond to and overcome the threats our Nation will face. The confirmation of the first Director of National Intelligence is the first step in executing this extremely complex undertaking and time is of the essence. Indeed, I cannot recall a time when a nominee has come before the Senate with the entire community they have been nominated to lead in the midst of such sweeping transformation.

And once again, I believe the President has made an excellent choice in John Negroponte to lead the intelligence community through such a transformation.

I look forward to working with him in the coming years as we shape our intelligence community into a cohesive whole and as he defines the role of Director of National Intelligence. With a strong DNI and a focused intelligence team, our Nation will be safer. I urge my colleagues to join me in supporting the confirmation of John Negroponte the first Director of National Intelligence.

Mr. KERRY. Mr. President, the successes of the intelligence community are never really known to the American public. But the spectacular failures of the last few years have been apparent to us all. Blue-ribbon panels, presidential commissions, and common sense have all told us that the intelligence community needs reform. In recent months, with action by Congress and the administration, we've begun to see progress. With the vote on John Negroponte's nomination today, we will take an important step in giving life to the structural reforms we've debated for so many months.

John Negroponte faces a daunting challenge as the country's first Director of National Intelligence. It will be his responsibility to make intelligence reform a reality, to break-down the barriers between intelligence agencies, and to restore the credibility of the American intelligence community. There once was a time where the word of the President of the United States was enough to reassure world leaders. After the intelligence failures of the last few years, that is no longer true.

In his confirmation hearings, Mr. Negroponte identified ways to improve the intelligence process—formalizing lessons-learned exercises across the community; utilizing ''Team B'' analyses to avoid self-reinforcing analysis premised on faulty assumptions; improving inter-agency and community-wide cooperation; and removing barriers between foreign and domestic intelligence. He must also be able to work effectively with Secretary Rumsfeld and the Department of Defense—and its 80 percent of the intelligence

budget—to really reform the community. Many of us in Congress will support his efforts, and I urge President Bush to be steadfast in this regard as well.

But Mr. Negroponte's most immediate and urgent task will be to speak truth to power. When the intelligence does not support the policy goals or ambitions of the administration, Mr. Negroponte must never flinch, never waiver, never compromise one iota of his integrity or the integrity of the intelligence. He must also be willing to push analysts to challenge assumptions, consider alternatives, and follow the evidence wherever it may lead them. And when they do, he must back them with the full authority of his office.

Today we face many threats, the dangerous legacy of the Cold War in vast nuclear arsenals, the spread of weapons of mass destruction, the spread of terrorism, lingering disputes in various regions of the world, and new forces, like globalization, all crying out for leadership by the United States. The decisions policy makers make are influenced by many factors. But on issues of war and peace, on protecting this country, on determining our long-term national security needs and the direction of our foreign policy, there is no substitute for intelligence that is accurate, timely, and trusted.

Mr. Negroponte will shape the role of Director of National Intelligence in fundamental ways. He will be judged on whether or not America is safer at the end of his tenure than when he starts. For the sake of us all, I hope he succeeds.

Mr. WARNER. Mr. President, I strongly support the nomination of Ambassador John D. Negroponte to be the first Director of National Intelligence.

This is not a moment without precedent in history. President Roosevelt faced a similar situation in 1941 when he had disparate intelligence and information gathering organizations within the government, but did not have a single person in charge. President Roosevelt convinced a reluctant Colonel William J., Wild Bill, Donovan to be the first ''Coordinator of Information,'' an organization that eventually became the Office of Strategic Services, OSS, and ultimately, the Central Intelligence Agency.

I would like to read a quote from the book, ''Donovan of O.S.S.,'' by Corey Ford:

> The appointment of Colonel Donovan as director of COI was formally announced by executive order on July 11, 1941, and his duties were defined in Roosevelt's own words: 'To collect and analyze all information and data which may bear upon national security, to correlate such information and data and make the same available to the President and to such departments and officials of the Government as may the President may determine, and to carry out when request by the President such supplementary activities as may facilitate the securing of information important for national security not now available to the Government.'
>
> The directive was purposely obscure in its wording, due to the secret and potentially offensive nature of the agency's functions; and the other intelligence organizations, jealous of their prerogatives, took advantage of the vague phraesology to set loose a flock of rumors that Donovan was to be the Heinrich Himmler of an American Gestapo, the Goebbels of a controlled press, a super-spy over Hoover's G-men and the Army and Navy, the head of a grand strategy board which would dictate even to the General Staff. In vain, the President reiterated that Donovan's work, 'is not intended to supersede or to duplicate or to involve any direction of or interference with the activities of the General Staff, the regular intelligence services, the Federal Bureau of Investigation, or of other existing agencies.' The bureaucratic war was on.
>
> It was a war all too familiar to Washington, the dog-eat-dog struggle among government departments to preserve their own areas of power.

Ambassador Negroponte and General Michael Hayden, USAir Force, his deputy, face a similar situation today, and I wish them well.

Some have said the Intelligence Reform and Terrorism Prevention Act of 2004 uses similarly ''vague phraseology'' in describing the authorities and responsibilities of the new Director of National Intelligence. Some say that Roosevelt was intentionally vague to allow the strong personality of Wild Bill Donovan to make this new intelligence organization work.

I think we have two very strong personalities in Ambassador Negroponte and General Hayden who are up to the task and will make this new Office of National Intelligence work. Their work will be even more effective as they forge strong alliances with their colleagues in other departments of Government.

As Ambassador Negroponte begins this important effort, I know he is mindful on the balance that must be maintained between the needs of national policy makers, military commanders on distant battlefields, and local and national homeland security officials, who are all charged with the safety and security of the American homeland. The support these elements enjoy today has not always been the case. When General Norman Schwarzkopf testified before the Senate Armed Services Committee in June 1991 regarding lesson learned during the first Persian Gulf War, he told the committee that responsive national intelligence support has been unsatisfactory from his perspective as the theater commander in charge of combat operations. Clearly, much has changed since 1991, but we must all remain vigilant in ensuring that intelligence support for our men and women in uniform is maintained and enhanced.

Ambassador Negroponte has a strong record of public service as the U.S. Ambassador to Honduras, Mexico, the Philippines, the United Nations, and most recently, Iraq. He has a great reputation as a problem solver who can be counted on for the epitome of candor and integrity.

John Negroponte has served his Nation faithfully and well. His willingness to take on this daunting challenge is a testament to a man who understands service to Nation and has, once again, answered the call to serve. We are fortunate to have a citizen of such character to undertake this important and challenging task of bringing our Intelligence Community together as a coherent, well-coordinated entity.

I strongly support confirmation of Ambassador John D. Negroponte to be the first Director of National Intelligence, and hope the spirit of Wild Bill Donovan guides and inspires his efforts.

Mr. HATCH. Mr. President, today I rise to give my enthusiastic vote of support for President Bush's nominee to be this Nation's first Director of National Intelligence. I have known Ambassador Negroponte for over 20 years, and his professional career as one of our Nation's best diplomats began 20 years earlier. And rarely have I voted in support of a Presidential nominee with greater confidence. I trust that my colleagues will lend their support unanimously to the President's selection for a position we are anxious to fill.

As he assumes the position we created last year to unify the intelligence community's capabilities as they have never been unified before, I offer Ambassador Negroponte my complete support, with three points to consider.

First, as I have told the nominee, this will be the most difficult job he will ever hold. And I say this to the man who has just returned from serving as our first ambassador to a liberated Iraq. During Ambassador Negroponte's nomination hearing two weeks ago, the distinguished chairman of the Senate Select Intelligence Committee, who also has my greatest respect, while reviewing the job requirements for the new position of DNI, candidly asked the nominee: ''Why would you want this job?''

The answer, for those who know him, is that Ambassador Negroponte has always responded to the call by his country to take on difficult challenges. And we in the Senate have supported him by confirming him, to date, seven times.

Second, as I also told the nominee, and I have said to my colleagues: Osama bin Laden is not quaking in his hideaway because we have created the position of Director of National Intelligence. Let us be candid to ourselves about this. Too often in Washington, a bureaucratic response is mistaken for a solution. I hope we all recognize, after the years of discussing reform, that the legislation we passed last year initiates the beginning, not the end of reform.

And this leads to my third point. Ambassador Negroponte's mission, once we confirm him, is to take the elements of the intelligence community and de-Balkanize them. His mission will be to create a whole that is greater than the sum of the intelligence community parts. He will do

this by achieving what we call jointness between all parts of the community. When he does that—and this will have to do as much with creating new doctrine, and creating community culture that integrates this doctrine—then will our already impressive elements we have in our community be able to advance our security. Only then will we be creating the 21st century global intelligence capabilities that will make bin Laden's inevitable successors and wannabees sweat and run.

In my conversations with Ambassador Negroponte about his new brief, I have shared some of my ideas with him, and I have found him to be welcoming of these and all ideas. He understands the problems we face, as he has been a consumer of intelligence for most of his career, and he has spent his last tour in Iraq confronting the challenge of multiple armed groups dedicated to collaborating against us. I believe he knows what we need, and I know he is determined to take the impressive technological and human capacities already in place in our intelligence community and take it to the level necessary to give the American public a strategic intelligence capability we need and must have.

I believe Ambassador Negroponte has always served this country honorably. As we confirm him today, which I trust we will, I offer him my support and, once again, gratitude for choosing to serve his country in one of the most challenging positions in our history.

Ms. MIKULSKI. Mr. President, one of my top priorities is the real reform of our Nation's intelligence. The Intelligence Reform Act of 2004 was a first step toward transforming the U.S. intelligence community. Information sharing will be strengthened, while diverse opinion and independent analysis will be protected.

The single most important provision in the act was the creation of a Director of National Intelligence, who would have authority, responsibility, and financial control over the entire intelligence community.

The President has nominated an experienced diplomat to be Director of National Intelligence. Ambassador John D. Negroponte has worked hard for his country and has made personal sacrifices. When his country called, he has exposed himself to hardship and danger most notably in Vietnam and in Iraq.

He has also had extensive exposure to U.S. intelligence products and operations. He had intelligence coordination responsibilities in Washington on the National Security Council. He recently had responsibility for leading the U.S. Embassy in Baghdad during a time when intelligence on the Iraqi insurgency had the highest priority.

Yet I have serious concerns with certain aspects of Ambassador Negroponte's record—particularly his actions while he was ambassador to Honduras. There is a serious discrepancy between his description of the Honduran government's human rights record during those years and that of the CIA Inspector General and nongovernmental organizations. He has yet to show complete candor in discussing U.S. activities there with the Congress.

I believe that Ambassador Negroponte could have been more outspoken in reporting from his vantage point at the United Nations in the winter of 2003—when our country was on the verge of war.

Despite these concerns, I will vote for the confirmation of Ambassador Negroponte. I am encouraged by his responses to my questions during hearings before the Senate Select Committee on Intelligence.

In a very important exchange, he provided assurances that he will ''speak truth to power.'' In response to my questions, Ambassador Negroponte said he would make sure that reliability problems with sources are put before decisionmakers. He agreed to explore mechanisms like the State Department's Dissent Channel to encourage those who see yellow flashing lights to express their views to senior officials and to protect dissenters from political retaliation. And he said that he himself would be taking the ''unvarnished truth'' to the President. He also said that all organizations under his purview will obey the law and that there will be full accountability.

These assurances are critical. My vote to confirm Ambassador Negroponte is based on them. As a member of the Senate Select Intelligence Committee, I will be watching closely to see that they are honored and will do what I can to contribute to Ambassador Negroponte's success as the first Director of National Intelligence.

Mr. FRIST. Mr. President, it is my pleasure to support the nomination of Ambassador John Negroponte to the post of Director of National Intelligence.

Mr. Negroponte is superbly qualified for this new and challenging position. I applaud the President on his choice of candidate. Last week, Mr. Negroponte was approved by the Senate Select Committee on Intelligence. I expect he will be confirmed with overwhelming, bipartisan support here on the Senate floor.

Mr. Negroponte's career in public service spans four decades and three continents. He has served in Europe, Asia and Latin America. He speaks five languages fluently, and has won Senate confirmation for 7 previous posts. He is widely regarded as one of our most distinguished and respected public officials.

Among his many career highlights, Mr. Negroponte has served as Ambassador to Honduras, Ambassador to Mexico, Ambassador to the Philippines, and Ambassador to the United Nations. He has served under multiple presidents, Republican and Democrat.

In 2004, President Bush nominated Mr. Negroponte to serve as our Ambassador to the newly liberated Iraq.

As his background attests, Mr. Negroponte has tackled many difficult and sensitive missions. He has also earned a reputation as a skilled manager—skills he will surely need in the job ahead.

As Director of National Intelligence, Mr. Negroponte will be responsible for overseeing the entire intelligence community. It will be Mr. Negroponte's job to keep America safe by bridging the gaps between our 15 intelligence agencies and improving information sharing between agencies.

He will determine the annual budgets for all National intelligence agencies and offices, and direct how these funds are spent. The Director will also report directly to the President.

It is a tough job and a tremendous responsibility. But I am confident that Mr. Negroponte will work hard to make the necessary reforms to help keep America safe.

We learned on 9–11 that the enemy is deadly and determined. He doesn't wear a uniform or march under a recognized flag. He hides in the shadows where he plots his next attack.

Dangerous weapons proliferation must be stopped. Terrorist organizations must be destroyed. And we must have an intelligence community that works together to confront these very real dangers so that we never suffer another 9–11 or worse.

I look forward to Mr. Negroponte's swift confirmation. He has served our country with honor and distinction over many years. America is fortunate to have a public servant of his caliber working hard on our behalf.

Mr. CORZINE. Mr. President, I rise today in support of the confirmation of John Negroponte to be our Nation's first Director of National Intelligence. This is a historic moment, and a critical step toward making our nation more secure. But it is also only the beginning of what will be a long and challenging effort to reform and improve our intelligence capabilities.

It is worth recalling how we got here. The establishment of the Director of National Intelligence would not have happened had it not been for the patriotism and passion of some remarkable Americans. Let me begin with the families of the victims of 9/11 who managed to turn their grief into real, effective action. The Family Steering Committee and, in particular, four 9/11 widows from my State who called themselves the ''Jersey Girls,'' fought for real answers. They pushed for the creation of the 9/11 Commission, whose recommendations included the position for which Mr. Negroponte is being confirmed today. They also insisted that the administration cooperate fully with the Commission as it sought a full accounting of the terrorist attack. They did all this for one reason: they wanted America to be safer than it was on the day they lost their loved ones.

We also owe an enormous debt to the 9/11 Commission, led by former New Jersey Governor Tom Kean and former Congressman Lee Hamilton. The Commission's hard work, persistence, intellectual honesty, and political neutrality brought about something truly incredible: a national consensus. The Commission's meticulous and thorough study of the events leading up to and including September 11 and its wise and succinct recommendations gave us an understanding of the past and a path forward. And, by involving the American people in their deliberations, they helped generate public support for much needed reform.

It is almost impossible to overstate the challenges ahead for the new Director of National Intelligence. The intelligence failures that led to the terrorist attack of September 11, 2001, happened in part because of a lack of coordination among our intelligence agencies. It is the DNI's job to resolve this problem. Mr. Negroponte will need the President's support. He will also need Congress' support. He has mine.

The DNI will also have to correct the intelligence failures that led to the war in Iraq. That includes ensuring that intelligence analyses are objective and that those analyses are used appropriately by policy makers. The DNI will need to speak truth to power, to tell policymakers the hard truth about what we know and what we don't know. Intelligence must guide policy, and not vice versa.

Our intelligence serves many purposes, from informing foreign policy to supporting tactical military decisions. The new DNI will be responsible for guiding our priorities. But this position would not have been created had we not been attacked on our soil, on September 11, 2001. The intelligence community has new consumers: the Department of Homeland Security, Federal, State and local government officials, law enforcement and our Nation's first responders. It is critical that these people have the information they need to protect us.

Mr. Negroponte is highly qualified for this position and I am proud to support his confirmation. But he cannot do this alone. This and future administrations and the Congress must stay engaged in and remain committed to the hard work of intelligence reform.

Mr. LIEBERMAN. Mr. President, I rise today to express my support for this historic nomination of Ambassador John Negroponte to be the first Director of National Intelligence named under the Intelligence Reform and Terrorism Prevention Act of 2004—the most sweeping reform of the intelligence community in over 50 years. With this appointment, we will finally have a single official with the authority, responsibility, and accountability to lead a more unified and more integrated intelligence community capable of avoiding the unacceptable intelligence failures recounted in excruciating detail by the independent 9/11 Commission and, more recently, by the President's WMD Commission.

I am confident Ambassador Negroponte is up to this admittedly difficult task. With a career in public service spanning over four decades, Ambassador Negroponte has demonstrated the commitment and determination this post demands. His service in numerous Foreign Service posts across Asia, Europe, and Latin America—and most recently as the U.S. Ambassador to Iraq—has certainly provided him with the global perspective of our intelligence needs that the position requires. And, having served in senior positions here in Washington at the State Department and at the National Security Council, Ambassador Negroponte has developed the bureaucratic skills that the DNI must exercise in order to be effective.

The most important factor in whether Ambassador Negroponte—indeed, whether the entire intelligence reform effort—succeeds, is the degree of support provided by President Bush and the White House in the early but formative stages of this process. The path toward reform is always a difficult one, particularly with the likely array of bureaucratic and institutional obstacles the DNI is likely to confront. As the WMD Commission candidly recognized, ''The Intelligence Community is a closed world, and many insiders admitted to us that it has an almost perfect record of resisting external recommendations.'' It should come as no surprise that the array of strong statutory authorities provided to the DNI under the legislation can, in and of itself, only accomplish so much; implementation will now be the crucial test, and the President must show the same level of commitment he demonstrated during the final push to pass the intelligence reform legislation in the last Congress.

I am encouraged in this regard by the President's remarks in announcing the nomination of Ambassador Negroponte. President Bush said:

> In the war against terrorists who target innocent civilians and continue to seek weapons of mass murder, intelligence is our first line of defense. If we're going to stop the terrorists before they strike, we must ensure that our intelligence agencies work as a single, unified enterprise. And that's why I supported, and Congress passed, reform legislation creating the job of Director of National Intelligence.
>
> As DNI, John will lead a unified intelligence community, and will serve as the principle advisor to the President on intelligence matters. He will have the authority to order the collection of new intelligence, to ensure the sharing of information among agencies, and to establish common standards for the intelligence community's personnel. It will be John's responsibility to determine the annual budgets for all national intelligence agencies and offices and to direct how these funds are spent. Vesting these authorities in a single official who reports directly to me will make our intelligence efforts better coordinated, more efficient, and more effective.

Unfortunately, we had no single official who effectively forged unity of effort across the intelligence community prior to September 11. We had no quarterback. Prior to this legislation, the Director of Central Intelligence (DCI) had three jobs: No. 1. principal intelligence advisor to the President; No. 2. head of the CIA; and No. 3. head of the intelligence community. As the 9/11 Commission concluded: ''No recent DCI has been able to do all three effectively. Usually what loses out is management of the intelligence community, a difficult task even in the best case because the DCI's current authorities are weak. With so much to do, the DCI often has not used even the authority he has.''

The new Director of National Intelligence has two main responsibilities: to head the intelligence community and to serve as principal intelligence advisor to the President. As principal advisor to the President, the DNI is responsible—and accountable—for ensuring that the President is properly briefed on intelligence priorities and activities. The CIA Director will now report to the DNI, who is not responsible for managing the day to day activities of that agency while also heading the intelligence community. In fact, the legislation specifies that the Office of the DNI may not even be colocated with the CIA or any other element of the intelligence community after October 1, 2008.

As head of the intelligence community, the DNI will have—and must effectively use—the wide range of strong budget, personnel, tasking, and other authorities detailed in the legislation to forge the unity of effort needed against the threats of this new century. I am pleased that Ambassador Negroponte, appearing before the Senate Select Committee on Intelligence, indicated he has heeded the advice from many quarters, including the President's WMD Commission, to push the envelope with respect to his new authorities.

Perhaps the most significant of these authorities is the DNI's control over national intelligence funding, now known as the National Intelligence Program NIP. Money equals power in Washington, or to paraphrase one of the witnesses who testified before the Senate Homeland Security and Governmental Affairs Committee as we drafted the intelligence reform legislation, former DCI James Woolsey: ''The Golden Rule in Washington is that he who has the gold, makes the rules.'' For instance, with respect to budget development, the bill authorizes the DNI to ''develop and determine'' the NIP budget—which means that the DNI is the decision-maker concerning the intelligence budget and does not share this authority with any department head.

Once Congress passes the national intelligence budget, the DNI must ''ensure the effective execution'' of the NIP appropriation across the entire intelligence community whether the funds are for the CIA, NSA, the Federal Bureau of Investigation, or any element of the intelligence community.

The Director of the Office of Management and Budget must apportion those funds at the ''exclusive direction'' of the DNI. The DNI is further authorized to ''direct'' the allotment and allocation of those appropriations, and department comptrollers must then carry out their responsibilities ''in an expeditious manner.'' In sum, the DNI controls how national intelligence funding is spent across the executive branch, regardless of the department in which any particular intelligence element resides.

In order to marshal the necessary resources to address higher priority intelligence activities, the DNI has significantly enhanced authorities to transfer funds and personnel from one element of the intelligence community to another. And, in addition to these budget and transfer authorities, the legislation provides the DNI with many new and increased authorities by which to effectively manage the sprawling intelligence community and force greater integration and cooperation among intelligence agencies. The DNI has the power to develop personnel policies and programs, for example, to foster increased ''jointness'' across the intelligence community—like the Goldwater-Nichols Act accomplished in the military context. The DNI also has the authority to exercise greater decision-making with respect to acquisitions of major systems, such as satellites, to task intelligence collection and analysis, and to concur in the nominations or appointments of senior intelligence officials at the Departments of Defense, Homeland Security, Treasury, State, and Energy, the FBI, and elsewhere across the executive branch.

More important than any individual authority, however, is the sum total. There is no longer any doubt as to who is in charge of, or who is accountable for, the performance of the United States intelligence community. It is the DNI. Until exercised in practice, however, these authorities are simply the words of a statute. And, unless exercised, they will atrophy. Timidity, weakness, even passivity are not an option. History will judge harshly a DNI who squanders this opportunity to spread meaningful and lasting reform across the intelligence community. And our national security depends upon it.

I fully anticipate that Ambassador Negroponte will rise to the occasion. He must, and I believe he will, hit the ground running, boldly face the inevitable challenges and frustrations that lie ahead, and aggressively assert the authorities with which he has been provided. But the DNI will not be alone. With the full support of the President, the Joint Intelligence Community Council—composed of the Secretaries of State, Treasury, Defense, Energy, Homeland Security, and the Attorney General—will advise the DNI and make sure the DNI's programs, policies, and directives are executed within their respective departments in a timely manner. And, if confirmed, the President's nominee for Principal Deputy DNI, NSA Director Lieutenant General Michael Hayden, will be a most valuable asset in leading the reform effort.

We have largely provided Ambassador Negroponte with the flexibility to establish the Office of the DNI as he sees fit in order to accomplish the goal of reform. In addition to his Principal Deputy, he may appoint as many as four other deputies with the duties, responsibilities, and authorities he deems appropriate. And, in addition to the National Counterterrorism Center, which is specifically mandated under the legislation, Ambassador Negroponte is authorized to establish national intelligence centers, apart from any individual intelligence agency, to drive community-wide all-source analysis and collection on key intelligence priorities. These national intelligence centers have significant potential to shift the center of gravity in the intelligence community from individual stove-piped agencies toward a mission-oriented integrated intelligence network.

In sum, we have provided Ambassador Negroponte with the tools to get the job done. Now, with the backing of the President, he must use those authorities to transform the intelligence community as envisioned by the 9/11 Commission, expected by Congress, and needed for the security of the American people. On September 11, 2001, it became painfully evident that the threats we face as a nation had evolved, and that our national security structure needed to evolve accordingly. Ambassador Negroponte will now have the opportunity to help our intelligence community meet these new security challenges. I wish him well.

Mr. BUNNING. Mr. President, I speak today on the nomination of John Negroponte to be the first Director of National Intelligence. I want to express my full support for his confirmation.

John Negroponte is without question one of the most qualified public servants to fill this position. Over the past four decades he has continually worked to advance American policy both domestically and abroad.

He is a career diplomat and served in the United States Foreign Service from 1960 to 1997. Among his most notable posts are Vietnam, the Philippines, Honduras and Mexico.

After the Foreign Service, Mr. Negroponte was appointed as the U.S. Ambassador to the United Nations from September 2001 until June 2004. After that, he was confirmed overwhelmingly by the Senate as the first U.S. Ambassador to the new democratic Iraq.

Throughout his ambassadorship in Iraq, he received immense praise even from the harshest of critics for his removal of corruption in the reconstruction effort in Iraq. He later oversaw, what many deemed impossible—the first successful Iraqi democratic elections. As we have seen through his leadership in Iraq, democracy has quickly taken root in the country and I believe it will continue to grow.

While the position of the Director of National Intelligence is new to our Government, I am confident that Mr. Negroponte will be successful in his endeavors to create a united intelligence entity. His experience and success in Iraq will serve him well in this new position.

Intelligence reform is an issue that we know all too well. It has been widely addressed in a variety of government bodies since September 11 and continues to be the topic of many debates. I commend President Bush in his efforts to directly confront this problem and to create a more unified and efficient intelligence apparatus.

I am confident the Senate will overwhelming confirm Mr. Negroponte. I wish him well in his new position and with the daunting task of reforming our intelligence agencies. It is not an easy one. Despite this challenge, I believe he will make our intelligence efforts better coordinated, more efficient and more effective.

Mr. SALAZAR. Mr. President, I rise in support of Ambassador John Negroponte's nomination to be the first Director of National Intelligence.

I am pleased President Bush filled this critical position, and pleased that the Senate Intelligence Committee moved with such dispatch to move him through the process. The Director of National Intelligence will be one of the most difficult jobs in Washington. The director will have to integrate information from 15 Federal agencies involved in gathering anti-terrorism information.

To break down the boundaries that fracture our intelligence community, Negroponte will have to draw on more than 40 years' experience in the Foreign Service. He served as U.S. ambassador to the United Nations from 2001 until last June, when he became the first U.S. ambassador to Iraq since the 1991 Gulf War. He served in the U.S. Embassy in Vietnam from 1964 to 1968 and has been ambassador to Mexico, the Philippines and Honduras.

Mr. Negroponte is going to have to take advantage of his closeness with President Bush to overcome some of the institutional inertia within the intelligence community. However, Negroponte cannot allow that closeness to be a double-edged sword. The DNI needs to be an independent voice. He needs to be able to withstand pressure from the President and report threats to American security as they are, not as others want them to be.

I hope that Ambassador Negroponte will make it a priority to improve the flow of accurate, timely and actionable intelligence to state and local security officials.

Right now, local officials—our front line in the battle for homeland security—are getting intelligence from a dozen Federal terrorism watch lists. They get conflicting or incomplete

data or information that has no impact on them. They don't have the resources and expertise to process intelligence, form a complete picture of the threats they face, and what steps they can take.

We need to move away from a ''need-to-know'' intelligence culture to a ''need-to-share'' one. State and local emergency officials represent more than 800,000 sworn law enforment officers and 95 percent of America's counter-terrorism capability. They are on the front lines of the war on terror and they need better information in order to protect us.

I recognize that will be difficult to do, and I also recognize that the solutions to this problem will require new thinking. But after serving with Colorado's police officers for 6 years as Attorney General, I also know that the current system of information and intelligence sharing is absolutely insufficient. We can do better—and we must do better.

Mr. REID. Mr. President, I rise to express my support for the nominations of Ambassador John Negroponte and General Michael Hayden to be Director and Deputy Director of National Intelligence.

The Senate's swift action on these two nominations is but the latest example of how the Senate's confirmation process should work, and, for the vast majority of President Bush's nominees, has worked.

It is really a simple formula for success: the President puts forward good, qualified nominees and the committee of jurisdiction and the full Senate act expeditiously to approve the nomination.

In nominating Ambassador John Negroponte and General Michael Hayden to be Director and Deputy Director of National Intelligence, the President has put forward people with long years of dedicated service to the country.

Some have concerns about Ambassador Negroponte's previous service on Latin American issues, and these questions are certainly legitimate to explore.

Ambassador Negroponte and General Hayden are men who have wide support across both parties, men who have proven track records as professional public servants.

Together, these two men are good choices for the important new positions at the top of our intelligence community.

With Ambassador Negroponte's recent experience in Iraq, long experience in diplomatic matters, and years of time as a ''customer'' of intelligence, I am hopeful he will focus on improving how intelligence is used.

It is essential that he put in place the personnel and processes necessary to help the intelligence community avoid future colossal failures like Iraq, where in an effort to make the case for the use of force there, the President and the intelligence community repeatedly asserted that Saddam possessed weapons of mass destruction.

As has become increasingly clear over time, Saddam did not possess stockpiles of these terrible weapons and a number of questions have been raised about whether the administration shaped or misused the available intelligence.

Never again should a Secretary of State be sent in front of the United Nations to make the President's case for war based on evidence that was so terribly flawed.

If Ambassador Negroponte can prevent such misuse of intelligence, and speak truth to power, he will be a successful Director.

If Ambassador Negroponte is to succeed in developing the right intelligence and ensuring that it is used properly, he will have to dramatically transform our intelligence agencies.

In the intelligence reform bill we passed last year, we demanded that someone take charge of improving the intelligence agencies' performance. In that bill, we gave him the tools and the mandate needed.

Working with his Deputy Director, General Hayden, who has nearly 3 decades of experience in transforming intelligence as a military officer, I expect Ambassador Negroponte to transform the intelligence community.

The first step in this critical transformation must be to dramatically improve our intelligence collection capabilities, especially our human intelligence efforts, against the 21st century threats of terrorism and the proliferation of weapons of mass destruction.

I hope these nominees will maximize their use of the strong, new authorities Congress provided them in last year's bill. Our Nation's security rests in large measure on their efforts. I wish them every success in their endeavors.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, if there is no other Member on our side who wishes to speak, I yield back the remainder of my time.

Mr. WYDEN. I may be the only one with time remaining and I yield back the remainder of my time as well.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. 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. ROBERTS. 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. ROBERTS. Mr. President, I yield back all time on the pending nomination, other than the 5 minutes that will be reserved for Senator STEVENS; provided further that the vote on the confirmation of the nomination occur at 3:45 today. I further ask that at 3:30 today the Senate resume consideration of the emergency supplemental bill for the final 15 minutes of debate and that the votes scheduled on the two amendments and final passage occur immediately following the vote on the Negroponte nomination. I ask that all votes in the sequence after the first be limited to 10 minutes in length and that there be 2 minutes for debate equally divided between the votes. Finally, I ask unanimous consent that following this consent, the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

### THE BOLTON NOMINATION

Mr. SMITH. Mr. President, I rise today to speak in behalf of John Bolton to be the U.S. Permanent Representative to the United Nations. I know this nomination is gaining controversy. Yet the more I listen to it, I realize there may be an attempt to kill his nomination from a thousand cuts.

It is not unusual in this town to see someone with a strong personality being subject to all kinds of innuendo and charges and hearsay. Certainly all of these things warrant investigation so that the Senate can perform its advise and consent duty. However, I think it is also very important we remember the President's right to nominate the individuals he believes are important in order to pursue his policies after his election, an election he earned at the ballot box, and the right conferred upon him by the Constitution.

I rise here not as an opponent of the United Nations, but as one deeply disappointed in the United Nations in the 9 years in which I have served as a Senator. The U.N. is going through a challenging period, one that is raising questions about its effectiveness and ability to fulfill its mission on a global scale. New and unprecedented challenges face the United States and our allies. We cannot solve all the world's problems on our own. We need to continue to work with our allies to combat threats around the world, especially the threat of terrorism and the spread of weapons of mass destruction, for those two factors in combination probably pose the greatest security threat to our Nation and the civilized world.

An efficient and effective United Nations can still play a valuable role in world affairs. The U.N. demonstrated this by its response to the tsunami disasters that befell Indonesia, India, Sri Lanka, Thailand and the other nations

in the Indian Ocean. The United Nations can still serve an integral humanitarian function. Its success in coordinating relief efforts is helping the region to recover from its tragedy. I am also pleased with the U.N.'s establishment of new levels of oversight to monitor how enormous levels of humanitarian assistance are distributed to needy people.

Unfortunately, the U.N. can, and should, and must be more and do more. We have a United Nations that is tragically rife with corruption and mismanagement. It is an organization that is starting now to admit its problems. That is a positive. But it seems incapable of addressing these issues in any meaningful way.

The international community has been rocked by scandals involving the United Nations. The most obvious example of its malfeasance, of course, is the Oil-for-Food Program. As you know, the U.N. was responsible for overseeing the Oil-for-Food Program, which was established to provide relief to the Iraqi people suffering under Saddam Hussein's brutal regime. Instead, it allowed—and possibly even directed—the incredible scheme of kickbacks, bribes, and other financial crimes that may have even enriched some members of the U.N. bureaucracy.

The United Nations peacekeepers, sent to provide some semblance of security to war-torn countries, have been accused of such crimes as rape, child molestation, and sexual abuse in the Democratic Republic of Congo, the Balkans, and in Haiti.

High-ranking United Nations officials have been accused of sexual harassment. The U.N. High Commissioner for Refugees, Ruud Lubbers, was recently removed from his post because of sexual harassment.

To tackle this challenge, on March 7, 2005, President Bush nominated John Bolton to be the Permanent United Nations Representative for the United States. I believe Mr. Bolton can help produce a more effective and efficient U.N., a stronger U.S.-U.N. relationship, and a U.N. that lives up to its founding principles and ideals.

I do not know Mr. Bolton. I have shaken has hand, I believe, on one occasion. But as I have reviewed his record of accomplishment and his answers to the Senate Foreign Relations Committee, on which I once was privileged to serve, it is clear to me he is intelligent. I believe he is honest. He is certainly candid. These are qualities I think that can help him help the United Nations.

When we think back on U.N. ambassadors from our Nation, those willing to shake things up have been most meaningful in helping the U.N. to live up to its high purposes. The name of our former colleague, Daniel Patrick Moynihan, comes to mind. Jeanne Kirkpatrick also comes to mind. These are two who were not afraid to step on toes or to do what was necessary to get the job done and help the U.N. to change.

I believe John Bolton's personality, while not perfect for everyone, will work in a manner that will create change leading to needed reforms. Frankly what you need in this capacity is probably a strong backbone more than a winning personality. He understands the strengths and especially the weaknesses of the U.N. At no time in the history of the United Nations has reform been as needed as right now. The United States, as the leading contributor to the United Nations' budget, must take the lead in setting forth the necessary reforms.

The United Nations is losing respect, not only in the United States but throughout the world. The United Nations has a serious legitimacy problem. I remember hearing the Secretary General saying legitimacy comes uniquely from the United Nations. I wish it did. But it does not. Legitimacy comes from democracy and processes that are open and transparent and free from corruption and, when corruption is found, rooted out through the process of law.

The Security Council—and I think the American people understand this—is not a place where Americans can find security. In some of the worst cases of genocide in our planet, it has been idle, unable, unwilling, and too gridlocked to stand up to some of the worst human crime in our time.

It sets high standards for itself and then sits on its hands while genocide occurs in places such as Rwanda and in the Sudan. Countries that harass their people, that imprison those who clamor for democratic rights, that thwart all efforts at civilized behavior, have the same voting power as those with free, democratic societies.

I wish it was the United Democratic Nations but, it tragically is not. Legitimacy is given to the United Nations from countries such as the United States. We do not need a stamp of approval from the U.N. to act, but the U.N. does need the stamp of approval from its member states before it can act.

How can one not doubt the legitimacy of the United Nations when a human rights stalwart such as Libya, or Cuba, is appointed to chair the Human Rights Commission and the United States is removed? Or Iran is chairing the Disarmament Commission? The question answers itself.

With the 60th anniversary of the United Nations approaching this summer, though, we have a real opportunity to encourage the U.N. to change its ways, to live up to its founding ideals. The United States must take the lead in helping to reform the United Nations. This is the only way the U.N. can fulfill its original promise of promoting international peace and security.

John Bolton may or may not be the perfect nominee. That is not my point. But I think he can be effective simply because he can be confrontational. Under Secretary Bolton has, with all the slings and arrows directed his way, served his country with honor and distinction at many different times. He has been an effective diplomat, enjoying a strong record of success, and has demonstrated his enthusiasm for working with other countries to meet common challenges.

When one reviews John Bolton's credentials, it is clear he is extremely qualified to be United States Ambassador to the United Nations. I say that without any commentary at all on his personality. As an Assistant Secretary for International Organizations from 1989 to 1993 in the first Bush administration, Under Secretary Bolton worked for Secretary James Baker on U.N. reform matters and on the repayment of arrearages and assessments.

While serving as the Assistant Secretary for International Organizations, he detailed his concept of a unitary U.N. that sought to ensure management and budget reforms that impacted the entire U.N. system, not only the U.N. Secretariat. This is truly a forward thinking initiative. This is the type of creativity and resourcefulness we need in order to address the enormous problems within the United Nations.

In 1991, Under Secretary Bolton was the principal architect behind the initiatives that finally led the United Nations General Assembly to repeal the resolution that equated Zionism and racism, one of the more notorious and heinous resolutions ever passed by the United Nations. Imagine this: The United Nations, created out of the ashes of World War II, passing a resolution in 1975 equating Zionism with racism and refusing for nearly 20 years to repeal that appalling notion.

During his time out of Government, Mr. Bolton served the United Nations on a pro bono basis between 1997 and 2000, as an assistant to former Secretary of State Baker in his capacity as the Secretary General's personal envoy for Western Sahara, working to resolve the dispute over that territory—quite an effort from someone who does not believe in the power of multilateralism and international organizations, which is alleged against him but is not true.

For the past 4 years he has served as the Under Secretary of State for Arms Control and International Security Affairs. Under Secretary Bolton led the efforts to implement the President's agenda to counter nonproliferation, including the reform of the International Atomic Energy Agency.

He also shaped the administration's approaches to countering the threat of WMD proliferation and, most importantly, the proliferation security initiative, a program that led directly to the discovery of Libya's nuclear program and its subsequent disarmament.

John Bolton is the best candidate to help usher in this needed reform because he is the one the President nominated and he has a long record of

achievement. He knows the United Nations. He knows the changes that need to be made, and with his prior experience he can work with fellow members of the U.N. and to implement the necessary reforms.

My mother used to tell me when I was a little boy, got in trouble and punished: Son, it is better to be trusted than loved. Frankly, if Mr. Bolton is feared, while not loved, he may do more good than if he is loved and getting along with all. With all the problems illustrated with the United Nations, why would we want to send someone to New York who is more interested in the status quo than with engaging this institution with real reform for its organizations.

Again, I don't know Mr. Bolton personally. His personality is probably much different than my own. But I do know the President has a right to appoint whom he will appoint. Unless something is unearthed that disqualifies him because of his conduct, then all the innuendo, the hearsay, and the charges made against him that are ''he said, she said'' need to be understood in the long tradition in this town of killing one by 1,000 cuts, simply for political gain.

We owe this country and especially the United Nations, something better than an effort of blood sport in the Senate. Unless something is quickly unearthed about Mr. Bolton, I ask my colleagues to advise and consent on this nomination and to confirm him as quickly as possible because the work of reform at the United Nations is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I ask unanimous consent—I will not speak that long—to proceed for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I ask unanimous consent my comments be separated. I will make a few comments about Secretary Bolton and ask that they are separated and appear separately in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I will say a few words about Secretary Bolton.

The Senator from Oregon and I are good friends and we have known each other a long time in the Senate and have worked together on a number of issues. As he well knows, the issue that defines the Bolton nomination is not politics. It is not ''death by 1,000 cuts.'' It is an examination of the record of an individual who has been nominated for one of the largest embassies in the world, one of the most important spokesperson jobs in the world, one of the most important diplomatic jobs in the world.

It is vital, in the aftermath of Secretary Powell's testimony to the United Nations—which he now has publicly acknowledged was in error, on the basis of intelligence that was erroneous—that we send a message to the world about the credibility of that spokesperson and the United States itself. If that spokesperson comes to the job with a background of having interfered with the work of analysts in the State Department in the research and the intelligence research department, or if that person comes to the job with proof that there is, in fact, a retribution system for not providing the intelligence according to what that person wanted—not according to what the intelligence was—that is a problem. It is a serious problem.

If the nominee was not candid with the committee under oath before which he appeared, that is a serious problem. It is not politics. There will be a lot more time to discuss this over the course of the next days. The committee, to its credit, is going to do what is appropriate, which is examine these issues. Every member of the committee is duty-bound and will review that evidence with diligence, an open mind, and honesty. That is all we can ask.

We should not be reducing every question, particularly legitimate questions, to the sense of politics. It is a mistake. It is a mistake for the quality of the government we are trying to provide the American people. It is a mistake with respect to our constitutional obligations when we go up to this desk and raise our hand and swear to uphold the Constitution of the United States.

It is not the first time in American history a nominee has been questioned—Democrat or Republican. It is appropriate to perform that function.

I heard colleagues on the committee say in the beginning, this is only one offense. If there were a pattern, I would be disturbed by this. Lo and behold, in the next day, a pattern appeared, and all of a sudden the ''pattern'' people disappeared. It was not a question of if there is a pattern, it was now, well, the President has a right to make his choice. Another reason and rationale was found.

I don't even know why we get into such a partisan tizzy about it. The other side of the aisle ought to care as much as we do who is there or who is not there. We have had nominees in the course of time that I have been here who have not been confirmed or who were not confirmable, some of whom were delayed endlessly. I remember what a good friend of mine, Richard Holbrooke, went through in the process of his nomination. Senator Helms had him jumping through hoops for months looking at his financial records and his transactions, none of which occurred in the course of his public business, but, nevertheless, that is what happened. And he patiently went through it. And we patiently worked through it. Ultimately he was confirmed and I think he did an outstanding job for the country as a consequence of that.

So I think it is time to find a different path here.

## NUCLEAR OPTION

Mr. KERRY. Mr. President, I will speak about the second issue I would like to talk about.

The Republican nuclear option has been discussed endlessly on editorial pages, talk radio, and here in this Chamber. The ongoing debate is about much more than Senate procedure. At its core is a debate, really, about where we are headed in our relationship between each other, Republicans and Democrats, leaders all sworn to uphold the Constitution and with the responsibility to try to lead this Nation in difficult times and find the common ground and build a consensus for our country.

At its core is a debate about how we live out our own democracy in America. Beneath it are questions about how this city, the Nation's Capital, is functioning today, how we relate to each other, how our committees work, how the Senate itself functions. It appears as if we are headed in a direction that ultimately clashes with the real will and needs of the American people. That is what this is really all about.

The fact that we are even talking about this nuclear option is a stark reminder that Washington is not caught up fighting for the broader interests of the American people, that we are not spending most of our time consumed by the things that affect the lives of average Americans—losing their jobs, seeing more expensive health care, watching jobs go overseas, seeing the deficit grow, seeing the trade deficit grow, wondering about the health care system of our Nation, schools where our kids still have teachers who dig into their pockets in order to take out of their not-so-great salaries to put materials in front of those kids so they can study—while we here make other choices.

From the outside looking in, our democracy appears broken to an awful lot of Americans. It certainly seems to be endangered by a one-party rule—not a supermajority, a simple majority—in a very closely divided Nation, a party rule that seems intent on amassing power to be able to effect its will no matter what, often at the expense of the real work and the real needs of the American people.

Now, in recent weeks alone, we have witnessed a really disturbing course of events, probably as disturbing as I have seen in the 22 years I have been privileged to serve here. Republican leaders of Congress, in my judgment—I say this respectfully—are crossing lines I think should not be crossed: the line that says a leader of the House of Representatives should never carelessly threaten or intimidate Federal judges; the line that says the leader of the Senate should never accuse those who disagree with his political tactics of waging a war against people of faith; the line that says respect for core constitutional principles should never be undermined by a political party's agenda; most important of all, the line that

says that a political party's leader should never let the hunger to get done whatever that political agenda is overshadow the needs and the interests of respecting both the Constitution and the will of the American people.

It is, frankly, almost hard to believe that in a Congress where leaders of both parties once worked together to find common ground despite ideological differences, we face this. If Everett Dirksen were here, or Hugh Scott, people I was privileged to meet as a younger American when I was looking at the system, I think they would shudder at this relationship we see today.

Yesterday, when JIM JEFFORDS announced his retirement, I remembered the very different words about a different Washington that JIM captured so eloquently about 4 years ago. He spoke of a political tradition where leaders represented their States first. They spoke their minds, he said, often to the dismay of their party leaders. And they did their best to guide this city in the direction of our fundamental principles.

It is underscored by what happened in the Foreign Relations Committee just the other day. Our distinguished colleague, Senator VOINOVICH, had the courage to think. He had the courage to tap into his own conscience and to respect that tradition of thought and individualism in the Senate. But it was astonishing the reaction of the press, the reaction of the commentators, the reaction of partisans, the reaction of members of his own party, who underscored how rare, how absolutely out of order and how out of the sequence it was for this Senator to individualize his judgment, all of a sudden.

Senator VOINOVICH is now being vilified on talk radio and on the Internet for having the audacity to say that he felt uncomfortable casting a vote without enough information. He did not say he planned to vote against the President's nominee; he said he just wants to make an informed decision on the matter, a matter of great importance. That does not seem very controversial to me. But, oh, boy, are the attack folks out. The daggers are out. Senator VOINOVICH is persona non grata among certain circles.

Senator CHAFEE actually said he had never seen such an act as Senator VOINOVICH's in his 4 years in Washington. What a terrible comment on the way this place works today, that a new Senator has not seen an act of individual conscience where a Senator thinks something through and realizes he is not prepared and wants more information. Before the era of C–SPAN and 24-hour news and 24-hour attack and the World Wide Web, Senators showed the courage and the independence all the time. Senators did not think twice about acting on their conscience ahead of partisanship. And today, it is a statement that Senator VOINOVICH is subject to widespread denigration in partisan circles, when Americans ought to be standing up and admiring and respecting his independence.

Open your eyes across this country and look at what is happening in the Congress today, and you are quickly reminded that some of those who run this city have chosen to do so in a way that does not seek to find that common ground, that does not try to stay in touch with the mainstream values but pushes a narrower set of priorities.

What does it tell you when an embattled majority leader of the House is willing to go on talk radio and attack a Supreme Court Justice, let alone a Supreme Court Justice appointed by Ronald Reagan, confirmed by a nearly unanimous Senate, a Justice who ruled in favor of President Bush in Bush v. Gore? Ronald Reagan's nominee to the highest court in the land cannot even escape TOM DELAY's partisan assaults. Yet here on the floor of the Senate there is no outcry, no moderating Republican voice willing to say this shocking attack has no place in our democracy.

I guess none of this should be a surprise when the majority leader announces what he is going to do on this Sunday. The majority leader plans to headline a religious service devoted to defeating, and I quote, ''a filibuster against people of faith.''

Mr. President, I resent that. I am a person of faith, and I do not believe we should lose our right to have a filibuster to stop things that we disagree with, according to the rules of the Senate. It has nothing to do with faith. And when the leader of the Senate questions how any Senator applies their faith in opposing procedures of the Senate, we are going too far. You go beyond endangering the rules that protect the cherished rights of the majority and the minority; you wind up challenging the foundation of our democracy and of how this Senate is supposed to work.

Make no mistake, this may be an isolated issue, but the rights of the minority are fundamental to our democracy. Many people have written that the real sign of a democracy is not the rights of the majority. It is the rights of the minority that are, in fact, a signal of a truly strong and vibrant democracy, and diluting those rights is a threat to that vibrancy.

Forces outside the mainstream now seem to effortlessly push Republican leaders toward conduct that the American people do not want in their elected leaders—inserting the Government into our private lives, injecting religion into debates about public policy when it does not apply, jumping through hoops to ingratiate themselves to their party's base—while, step by step and day by day, real problems that keep Americans up at night fall by the wayside here in Washington.

We each have to ask ourselves, Who is going to stop it? Who is going to stand up and say: Are we really going to allow this to continue? Are Republicans in the House going to continue spending the people's time defending TOM DELAY, or are they going to defend America and defend our democracy?

Will Republican Senators let their silence endorse Senator FRIST's appeal to religious division, or will they put principle ahead of partisanship and refuse to follow him across that line? Will they join in an effort across the aisle to heal the wounds of this institution and begin addressing the countless challenges that face this Nation? It is time to come together to fulfill our fundamental obligations to our soldiers, our military families who have sacrificed so much. It is time to bring down gas prices and to move America toward less dependence on foreign oil. It is time to find common ground to cover the 11 million children in this country who have no health insurance at all. Are we willing to allow Washington to become a place where we can rewrite the ethics rules to protect TOM DELAY but sell out the ethics of the American people by refusing to rewrite a law to provide health care to every child in the country? Are we willing to allow the Senate to fall in line with the majority leader when he invokes faith, all of our faiths over here? JOE LIEBERMAN is a person of faith. HARRY REID is a person of faith. They don't believe we should rewrite the rules of the Senate. And we certainly should not allow this to be an issue of people who believe in the Constitution somehow challenging the faith of others in our Nation.

Are we going to allow the majority leader to invoke faith to rewrite Senate rules to put substandard extremist judges on the bench? Is that where we are now? It is not up to us to tell any one of our colleagues what to believe as a matter of faith.

I can tell you what I do believe though. When you have tens of thousands of innocent souls perished in Darfur, when 11 million children are without health insurance, when our colossal debt subjects our economic future to the whims of Asian bankers, no one can tell me that faith demands all of a sudden that you put the Senate in a position where it is going to pull itself apart over the question of a few judges. No one with those priorities has a right to use faith to intimidate any one of us.

It is time we made it clear that we are not willing to lie down and put this narrow, stubborn agenda ahead of our families, ahead of our Constitution, and ahead of our values. The elected leadership in Washington owes the American people and this institution better than this.

What is at stake is far more than the loss of civility or the sacrifice of bipartisanship. What is at stake is our values, both as a country and an institution, respecting the rights of the minority, separation of church and state, honesty and responsibility.

Every one of us knows there is no real crisis in the confirmation of

judges or judicial nominations, when over 90 percent of the President's nominees have already been confirmed, 205 out of 215 total. What is really at stake is something a lot greater, a struggle between a great political tradition in the United States that seeks common ground so we can do the common good, and a new ethic that on any given issue is prepared to use any means to justify the end of absolute victory over whatever and whoever stands in the way of that ethic; a new view that says if you don't like the facts, just change them; if you can't win playing by the rules, just rewrite them; a new view that says if you can't win a debate on the strength of your argument, demonize your opponents; a new view that says it is OK to ignore the overwhelming public interest as long as you can get away with it. For what? For a so-called nuclear option over a few judges, an option that seeks to put extreme, substandard judges on the bench against the will of the American people.

Is it worth undermining our democracy on behalf of Priscilla Owens, who took contributions from Enron and Halliburton and then ruled in their favor? A conflict? Is it worth this distraction from the people's business to confirm a Charles Pickering who fought against implementing the Voting Rights Act and manipulated the judicial system to reduce the sentence of a convicted cross burner? Is it worth throwing out 200 years of Senate tradition to defend William Myers, Janice Rogers Brown, and Bill Pryor whom numerous members of the impartial American Bar Association deemed unqualified?

The fact that we even have to debate a nuclear option over these judges tells you this is all about power, about victory, about a sort of unchallenged ability to be able to do whatever you want, despite the fact that that is not the way it works here and that is not the way our Founding Fathers intended it to work.

It is time to put Americans back in control of their own lives and put Washington back on their side. That means restoring accountability, accountability for false promises, accountability for failure to address issues that we have promised to address, ranging from energy independence to military families who just lose their benefits when they are called to duty and struggle with their families, accountability for fiscal insanity, for record deficits, for mounting debts. That is the debate we owe the American people, accountability for 45 million Americans who have no health care and middle-class Americans who are one doctor's bill away from bankruptcy, especially the 11 million children who have no health care at all. That is what the American people want us to debate with passion, not the rules of the Senate but the legitimacy and the substance of those choices. That is what we ought to do.

Any Senator who has been here for a period of time has watched the decline of the quality of the exchange between both sides of the aisle in this institution. That is not what this Senate is renown for. It is called the greatest deliberative body in the world, a place where people on both sides can find the common ground and get good things done.

I think Senator MCCAIN has said publicly: We are not always going to be in the majority.

That has been the course of history here. What goes around comes around. That is part of the respect that has always guided this institution. We need to work harder, all of us, to restore what the American people want and haven't had for too long. That is a Washington that works for them.

I yield the floor.

## NOMINATION OF JOHN NEGROPONTE

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I come to the floor to talk about my good friend, John Negroponte. I have known him and Diana and their children—Marina, Alejandra, John, George, and Sophia—for quite some time. I think the Nation is very lucky to have a man of the caliber of John Negroponte on deck, so to speak, and willing to take the assignment of being the new Director of National Intelligence. He has had considerable experience as an ambassador.

I remember full well the first time I met him was in Honduras when he was the Ambassador there. We had a rather severe problem, as people will recall; we called them the Contras. But I got to know him fairly well in the time we were down there. When he returned to Washington, I met his wife and was with him and spent time with him on a family basis. I have spent time with him now in his various positions he has had since that time, at the U.N. and in Iraq.

He is a man of great talent and depth. I believe there are many of us—and I am one of them—who had severe questions about the direction we were taking in terms of this new Director of National Intelligence and how it would relate to existing agencies and to the State Department and to the Department of Defense and to the National Security Agency and all others who are involved in intelligence and relate to those in the Congress who have the oversight responsibility for the intelligence function and for the classified areas of the activities of our Nation.

John Negroponte is a man who can do this job. He is a man of great talent. But more than that, he has demonstrated the ability to work with people and various entities, not only here in our country but throughout the world. This new Director of National Intelligence could well become the most important Cabinet position we have in the years to come. John Negroponte is the man to fashion that office, to determine what it needs in order to function properly at the beginning, and to set the course for this new intelligence agency.

So I am here to urge that the Senate promptly approve this nomination and confirm John Negroponte so he can start on this very important task.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I associate myself with the remarks of the senior Senator from Alaska concerning the qualifications of John Negroponte. Both the Senator from Alaska and I have known him for many years and his service is one of great distinction. I am confident he will receive the endorsement of an overwhelming majority of the Senate.

### NOMINATION OF JOHN BOLTON

Mr. MCCAIN. Mr. President, I rise to discuss the nomination of John Bolton as ambassador to the United Nations. We all know, somewhat unexpectedly, Mr. Bolton's nomination has been held pending further discussion and consideration by the Foreign Relations Committee.

I want to say I strongly support Mr. Bolton's nomination. He has been confirmed by the Senate four times in the past. He is a smart, experienced, hardworking, and talented man, and he knows the United Nations. He is not a career diplomat, but neither was Jean Kirkpatrick. He is not a career diplomat, either by profession or temperament, but then the role of ambassador to the U.N. has always required something special. A look back at some of the personalities who have held the job—from Adlai Stevenson to Daniel Patrick Moynihan, from Madeleine Albright, to Jean Kirkpatrick, to Richard Holbrooke—shows that directness and forcefulness are assets, not hindrances, to effectiveness there.

We all know Mr. Bolton is perhaps not the world's most beloved manager, nor one to keep his temper entirely under wraps. Perhaps, Mr. President, that evokes a certain sympathy and empathy from this individual, although it is well known that on no occasion have I ever become emotionally involved in anything.

I am sorry about a little levity here.

Seriously, I ask my colleagues is it unique to Mr. Bolton to be strong in his views and opinions? If a temper and an unorthodox management style were disqualifiers from Government service, I would bet a large number of people in Washington would be out of a job.

It is worth wondering not whether Mr. Bolton is a mild, genteel diplomat—we know he is not—but rather whether he is the representative we need at the United Nations. We need an ambassador who truly knows the U.N. We need an ambassador who is willing to shake up an organization that requires serious reform. No one knows better than the Senator from Minnesota, who is in the chair, who has

been heavily involved in the issues of the U.N. We need an ambassador who has the trust of the President and the Secretary of State. Mr. Bolton, it seems to me, has what it takes for the job.

I am reminded, on the judges issue and in this issue, elections do have consequences. I believe there are significant numbers of the American people who do take into consideration the consequences of a Presidential election, and that is the earned right of a President, under anything other than unusual circumstances, to pick his team. There were nominees of the previous Clinton administration I didn't agree with, I would not have selected but because President Clinton was elected President, I voted for his nominees on that basis.

The U.N. is a vital organization to the world and to the national interests of the United States. It is not perfect by any means, and John Bolton knows this. There has been talk that the nomination of Mr. Bolton was an indication of the administration's disdain for multilateral diplomacy. I cannot believe Mr. Bolton wishes to be dispatched for 4 years to an ineffective body, unloved by the United States. I do believe he wants to work actively to reform the U.N., make it stronger and better. Mr. Bolton, seeing clearly the U.N.'s strengths and its weaknesses, will be well positioned to improve the organization and America's relationship with him.

As the Chair well knows, what kind of a U.N. is it that has Libya, Cuba, and Zimbabwe as part of its Human Rights Commission? Is it all right with the U.N. today? We are seeing more and more indications of the Oil-for-Food scandal which, again, the Senator from Minnesota, the Chair, has carefully examined. There is a crying need for reform.

I am pleased the Secretary General of the U.N. has made proposals for reform. I support those and believe perhaps we need more. Again, it seems to me Mr. Bolton sees clearly the strengths and weaknesses, and he would be well positioned to help in this reform effort. Let's not forget that it desperately needs improving. It is hard to take an organization that has countries such as I mentioned that are members of the Human Rights Commission or whose General Assembly equates Zionism with racism. But at the moment, a great opportunity presents itself. The panel named by the Secretary General, on which one of my most respected Americans and beloved Americans, Brent Scowcroft, served, has recently issued its list of recommendations to transform the U.N. Kofi Annan has presented his own serious plan to implement these recommendations.

In other words, I argue that right now the U.N. is in a unique moment, perhaps, in its history; and because of the scandals associated with it, it is open to reform. We need a strong personality, in my view, and a knowledgeable one to help bring about those reforms.

But without hard work and pressure, nothing will happen. Over the years, the U.N. has proven itself to be remarkably resistant to change. I believe John Bolton could provide the medicine the United Nations needs.

As I mentioned earlier, elections have consequences, and one consequence of President Bush's reelection is he actually should have the right to select officials of his choice. I stress this because the President nominates not the Democrats' selection, nor mine, nor that of any other Senator, but his own choice. I mentioned that when President Clinton was elected, I didn't share the policy views of some of the officials he nominated, but I voted to confirm them, knowing the President has a right to put into place the team he believes will serve him best.

The Foreign Relations Committee is examining whether Mr. Bolton has engaged in truly unacceptable behavior that would disqualify him for office. I believe, unless we see a pattern of inappropriate conduct—which so far I have not—I believe the Senate must move forward expeditiously to confirm John Bolton as America's ambassador to the United Nations.

Mr. President, as I criticize some of the activities of the U.N., there are other activities of the U.N. going on as we speak that I think require America's presence. The situation in Darfur, Sudan, for example, is one that cries out for American participation in the decisionmaking process because one could draw a scenario where under extreme circumstances, to prevent genocide, American troops, or certainly American support in the form of logistics and other areas, could be heavily involved, as well as expenditure of American tax dollars, which already constitutes a significant portion of the financing of the United Nations.

So I hope we can set a time and date certain for a vote on Mr. Bolton. As I said, if somebody has information that would disqualify him, that is fine. I don't think he or anybody else deserves a long, drawn-out, exhausting process which damages our ability to participate in the U.N. and also may damage the character of a good man.

I hope we will act as expeditiously as possible. I have great respect for the Foreign Relations Committee and its chairman, Senator LUGAR, all members, and the ranking member, Senator BIDEN. But I certainly hope they realize inordinate delay is not healthy. I, having had the opportunity of knowing Mr. Bolton for many years, believe he would do an outstanding job as our ambassador to the United Nations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume the pending business, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's licenses and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

Pending:

Ensign amendment No. 487, to provide for additional border patrol agents for the remainder of fiscal year 2005.

Bayh amendment No. 520, to appropriate an additional $213,000,000 for Other Procurement, Army, for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMWVs).

The PRESIDING OFFICER. There is now 15 minutes equally divided. Who yields time?

The Senator from Massachusetts.

AMENDMENT NO. 520

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

In December, just a few months ago, the Secretary of Defense on a visit to Iraq was asked by a soldier why our troops were sent into battle with unarmored vehicles.

It was a question on the minds of many Americans—especially those with sons, daughters, husbands, wives, friends, and neighbors who had answered their country's call and whose lives are on the line every day in Iraq and Afghanistan.

The American people are appalled that our troops have had to fend for themselves by strapping plywood and scrap metal onto their vehicles. Our troops call them ''cardboard coffins.'' As one soldier who served in Iraq said, ''I would feel safer in a Volvo than I would in one of these (unarmored) Humvees.''

But month after month, the Pentagon has failed to provide enough armored Humvees to meet the urgent security needs of our troops on dangerous patrols in Iraq. On nine different occasions, we have asked the Pentagon for their requirements for armored Humvees, and nine times they have been wrong.

An now the Pentagon actually wants to decrease the production of armored Humvees.

Tell that to our troops in Iraq and Afghanistan and they'll let you know how irresponsible that is—just as they told Secretary Rumsfeld on his trip to Iraq in December.

Tell that to the family of James Sherill, a Kentucky National Guardsman who was killed in an unarmored vehicle just this month.

Tell that to the families in Massachusetts who have lost loved ones in Iraq.

Tell that to the tens of thousands of dedicated men and women in uniform about to serve their second and third tours there. Tell them they may have to ride into the danger zone yet again without enough armor.

We know that American companies can produce more.

Armor Holdings—the company that puts the armor on the armored Humvee—told my office this morning that its current contract with the Army will mean sharp reductions in production. Right now, they provide 550 armored Humvees a month. Their current Army contract calls for only 239 in June, zero in July, 40 in August, and 71 in September. The company is negotiating with the Army for slightly higher levels of production for June, July, and August, but it still expects to decrease production to 71 by September.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I will take another minute.

We cannot let the Department of Defense get it wrong for the tenth time. For the sake of our troops we need to get it right.

I ask unanimous consent to have printed in the RECORD a letter from the Department of Defense to Senator INOUYE that says:

To sustain production at the maximum capacity through the end of FY05, the Army would need an additional funding of approximately $213 million.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY, OFFICE OF THE DEPUTY CHIEF OF STAFF, G–3/5/7,

*Washington, DC.*

Hon. DANIEL K. INOUYE,

*Ranking Minority Member, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR SENATOR INOUYE: Greatly appreciate your outstanding support as you work your way through the FY05 supplemental request. Understand you are receiving several inquiries regarding Up-Armored HMMWVs (UAH). To lend clarity to Army requirements for the UAH in support of the Global War on Terrorism (GWOT), we provide the following information.

The current GWOT requirement for UAH is 10,079. The amount already appropriated and supported in reprogramming actions funds 4,528 UAHs in FY05 enabling the Army to meet the 10,079 requirement in June 05 with no additional funding.

We currently are producing at the manufacturer's maximum capacity of 550 per month. This will continue through June 05, at which time production rates will decline. To sustain production at the maximum capacity through the end of FY05, the Army would need additional funding of approximately $213 million; however, this sum is not necessary to address the extant requirement.

Thank you very much for your hard work and fast action on the supplemental bill. Your dedication to our men and women in uniform, and their families, is deeply valued.

Sincerely,

DAVID F. MELCHER,
*Lieutenant General,*
*U.S. Army, Deputy Chief of Staff, G–8.*
JAMES J. LOVELACE,
*Lieutenant General,*
*U.S. Army, Deputy Chief of Staff, G–3.*

Mr. KENNEDY. The House of Representatives added 232. This amendment is to do what the Department of Defense says is necessary to keep the production line going. I hope it will be accepted.

The PRESIDING OFFICER. Who yields time? The Senator from New Jersey.

AMENDMENT NO. 368, AS MODIFIED

Mr. CORZINE. Mr. President, amendment No. 368, as modified, was accepted by both sides on the Foreign Operations Subcommittee last night before a unanimous consent agreement, not in time for inclusion in the managers' amendment. I therefore ask unanimous consent to lay aside the pending amendment so I may call up amendment No. 368, as modified, and ask unanimous consent this amendment be adopted.

Senator BROWNBACK, Senator DEWINE, and others are on this amendment as well, which is funding for the Darfur peacekeeping operations as well as disaster assistance.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, this is an amendment we worked on for a long time, a Darfur amendment, $50 million for peacekeepers, $40 million for food aid. It was agreed to but not in the managers' package last night. We do ask unanimous consent this be brought up and we will be asking for a voice vote on it. It has broad bipartisan support.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, this is an amendment that will clearly save lives. It is the right thing to do and I join my colleagues in asking it be passed.

The PRESIDING OFFICER. Is there objection? The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have no objection to the amendment being called up. We have discussed the amendment with the Senator from New Jersey and the Senators from Kansas and Ohio. We have no objection to proceeding to consider the amendment.

Mr. CORZINE. I ask for the yeas and nays.

Mr. COCHRAN. We are not going to join that request.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] for himself, Mr. DEWINE, Mr. BROWNBACK, Mr. DURBIN, Mr. LEAHY, and Mr. OBAMA, proposes an amendment numbered 368, as modified.

Mr. COCHRAN. 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:

On page 183, after line 23, add the following:

SUDAN

SEC. . Of the funds appropriated in this Act for ''Contributions for International Peacekeeping Activities'', $90,500,000 may be made available for assistance for Darfur, Sudan: *Provided*, That within these amounts, $50,000,000 may be transferred to ''Peacekeeping Operations'' for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan; *Provided further*, That $40,500,000 may be transferred to ''International Disaster and Famine Assistance'' for assistance for Darfur, Sudan and other African countries.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 368), as modified, was agreed to.

Mr. COCHRAN. Mr. President, 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.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I do not intend to object, but I thought we had a brief time for discussion of this amendment. That is what I heard the unanimous consent agreement was, for 15 minutes. That is what I thought we were going to debate and vote on at a quarter of. That is the only reason I raise this objection because there was a unanimous consent.

If the Senator wants to complete a brief unanimous consent request, I will not object, but I hope if there are arguments against this amendment, we will be able to hear them. We are prepared to put some more arguments out there on the table.

Mr. CRAIG. I appreciate the concern of the Senator. I believe the amendment I am sending to the desk has been agreed to on both sides. There is a second degree. We should be able to move very quickly through it.

Mr. KENNEDY. I have no objection.

AMENDMENT NO. 564

Mr. CRAIG. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for himself and Mr. AKAKA, proposes an amendment numbered 564.

Mr. CRAIG. 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 amend title 38, United States Code, to provide a traumatic injury protection rider to servicemembers insured under section 1967(a)(1) of such title)

At the appropriate place, insert the following:

**SEC. ___. TRAUMATIC INJURY PROTECTION.**

(a) IN GENERAL.—Subchapter III of chapter 19, Title 38, United States Code, is amended—

(1) in section 1965, by adding at the end the following:

''(11) The term 'activities of daily living' means the inability to independently perform 2 of the 6 following functions:

''(A) Bathing.

''(B) Continence.

''(C) Dressing.

''(D) Eating.

''(E) Toileting.

''(F) Transferring.''; and

(2) by adding at the end the following:

**''§ 1980A. Traumatic injury protection**

''(a) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatically be issued a traumatic injury protection rider that will provide for a payment not to exceed $100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to $100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

''(b)(1) A member who is issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—

''(A) total and permanent loss of sight;

''(B) loss of a hand or foot by severance at or above the wrist or ankle;

''(C) total and permanent loss of speech;

''(D) total and permanent loss of hearing in both ears;

''(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints;

''(F) quadriplegia, paraplegia, or hemiplegia;

''(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face; and

''(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.

''(2) For purposes of this subsection—

''(A) the term 'quadriplegia' means the complete and irreversible paralysis of all 4 limbs;

''(B) the term 'paraplegia' means the complete and irreversible paralysis of both lower limbs; and

''(C) the term 'hemiplegia' means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

''(3) The Secretary, in collaboration with the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.

''(c) A payment under this section may be made only if—

''(1) the member is insured under Servicemembers' Group Life Insurance when the traumatic injury is sustained;

''(2) the loss results directly from that traumatic injury and from no other cause; and

''(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

''(d) Payments under this section for losses described in subsection (b)(1) shall be—

''(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

''(2) based on the severity of the covered condition; and

''(3) in an amount that is equal to not less than $25,000 and not more than $100,000.

''(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

''(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary of Veterans Affairs (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the Secretary of the concerned service from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

''(3) The Secretary of Veterans Affairs shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

''(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

''(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary of Veterans Affairs in advance of that policy year.

''(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member's uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

''(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as determined according to sound actuarial principles by the Secretary of Veterans Affairs.

''(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

''(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

''(g) Payment for a loss resulting from traumatic injury will not be made if the member dies before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the injury. If the member dies before payment to the member can be made, the payment will be made according to the member's most current beneficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.

''(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.

''(i) Insurance coverage provided under this section is not convertible to Veterans' Group Life Insurance.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 19 of title 38, United States Code, is amended by adding after the item relating to section 1980 the following:

''1980A. Traumatic injury protection.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.

AMENDMENT NO. 551 TO AMENDMENT NO. 564

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 551 to amendment No. 564.

Mr. DEWINE. 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 make the traumatic injury insurance provision retroactive for servicemembers injured in Iraq)

On page 8, line 16, strike ''(c)'' and insert the following:

(c) RETROACTIVE PROVISION.—

(1) IN GENERAL.—Any member who experienced a traumatic injury (as described in section 1980A(b)(1) of title 38, United States Code) between October 7, 2001, and the effective date under subsection (d), is eligible for coverage provided in such section 1980A if the qualifying loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION; PAYMENT.—The Secretary of Defense shall—

(A) certify to the Office of Servicemembers' Group Life Insurance the names and addresses of those members the Secretary of Defense determines to be eligible for retroactive traumatic injury benefits under such section 1980A; and

(B) forward to the Secretary of Veterans Affairs, at the time the certification is made

under subparagraph (A), an amount of money equal to the amount the Secretary of Defense determines to be necessary to pay all cost related to claims for retroactive benefits under such section 1980A.

(d)

The PRESIDING OFFICER. Is there further debate on the second-degree amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 551) was agreed to.

AMENDMENT NO. 564, AS AMENDED

Mr. CRAIG. Mr. President, prior to a vote on the amendment as amended, I would like to speak for up to 3 minutes.

I have sought recognition to comment on an amendment I have offered to address a tremendous gap in coverage that exists in our treatment of the soldiers, sailors, marines, and airmen, who are fighting for our country. My amendment addresses that coverage gap through the creation of a new ''Traumatic Injury Protection'' insurance program for the benefit of severely disabled servicemembers. But before I describe my amendment, let me further discuss the nature of the problem my amendment would attend to.

It is widely known that due to incredible advances in medicine, servicemembers who may not have survived life-threatening injuries in previous wars are now making it back home from Iraq and Afghanistan alive. That is the good news. The bad news, however, is that they must live with injuries that may have left them without their limbs, sight, hearing, speech, or ability to even move.

All of my colleagues have likely met with these brave men and women in their home States, or right here in Washington, DC, at the Walter Reed Army Medical Center. They are fighting for their lives. They are attempting to learn through physical and occupational therapy how to reintegrate back into society. Needless to say, relearning things I and my colleagues take for granted every day—how to walk, how to read, how to simply make breakfast in the morning—can take months or, quite possibly, years.

It is during this rehabilitation period at military hospitals that the need for additional financial resources is most acute. For many Guard and Reserve members at Walter Reed, they already have foregone higher paying civilian jobs prior to their deployment. Lengthy recovery periods simply add to the financial strain they bear. In addition, family members of injured soldiers bear the burdens necessary to travel from great distances to provide the love and emotional support that is absolutely essential for any successful rehabilitation. Spouses quit jobs to spend time with their husbands at the hospital. Parents spare no expense to be with their injured children.

To meet these needs, my amendment would create a ''Traumatic Injury Protection'' insurance rider as part of the existing Servicemembers' Group Life Insurance Program. The traumatic insurance would provide coverage for severely disabling conditions at a cost of approximately $1 a month for participating servicemembers. The payment for those suffering a severe disability would be immediate and would range from $25,000 to a maximum of $100,000. The purpose of the immediate payment would be to give injured servicemembers and their families the financial cushion they need to sustain them before their medical discharge from service when veterans' benefits would kick in.

The traumatic injuries covered under my amendment include: total and permanent loss of sight; loss of hands or feet; total and permanent loss of speech; total and permanent loss of hearing; quadriplegia; paraplegia; burns greater than second degree, covering 30 percent of the body or face; and certain traumatic brain injuries.

The cost of the amendment is entirely reasonable given the cause. Informal CBO estimates put the FY2006 cost at $10 million. A very small price to pay to meet the needs of these wounded warriors.

I cannot take credit for the idea behind this amendment. The credit must go to disabled veterans of the Wounded Warrior Project, run under the aegis of the United Spinal Association. Three Wounded Warrior veterans of the Iraq war visited my office last week to discuss the need to provide this type of an insurance benefit. One veteran, former Army SSG Heath Calhoun, had both of his legs amputated after being struck during a rocket propelled grenade attack in Iraq. Heath and his wife, Tiffany, who was present with him in my office, described the financial problems they endured after Tiffany quit her job to be with Heath during his convalescence. It took over a year before Heath was medically discharged from service. While the Calhoun family was able to make it through that extremely trying period, Heath told me he was adamant that other servicemembers in Iraq should not have to worry about finances should they, too, be injured. The quickest way to accomplish that, he told me, was to add a disability insurance rider—financed by servicemembers through monthly premium deductions—to the existing life insurance program. I am honored to sponsor this amendment in the Senate on his, and the other veterans of the Wounded Warrior Project's, behalf. I would also like to personally complement Ryan Kelly, who also visited me last week. Mr. Kelly lost his right leg during an ambush near Baghdad almost 21 months ago. I am told he was a principal author of the draft legislation that culminated in the amendment I offer today. I thank him for his fine work.

I also want to thank President Bush and his top administration officials for lending their support to this amendment. Secretary of Veterans Affairs Jim Nicholson, Deputy Secretary of Defense Paul Wolfowitz, and their staffs, who provided invaluable technical support in the drafting of this amendment.

And most importantly, I want to thank my partner in this effort, the Committee's ranking member, Senator DANIEL K. AKAKA. I thank him for cosponsoring the amendment, and I thank him for joining me in a spirit of bipartisanship as we seek to serve veterans together.

The supplemental already would make substantial improvements to benefits provided to survivors of those killed in the line of duty. I applaud those efforts. But I also remind my colleagues that we must be vigilant in our care for those who are still fighting to regain the normalcy of the lives they enjoyed prior to sustaining catastrophic injuries in defense of our freedom. I ask for your support.

Mr. OBAMA. Mr. President, I speak in favor of the amendment offered by the distinguished chairman and ranking member of the Veterans Affairs Committee.

A few weeks ago, I met with Sergeants Ryan Kelly, Jeremy Feldbusch, and Heath Calhoun, all of whom had recently returned from Iraq. They served their country bravely in battle, and in doing so, each of these men sustained a disabling injury that will change their lives forever.

When they came home, it would have been easy for them to go about their own business or feel sorry for themselves.

But they did not. Instead, they decided that their service to our country would not end on the battlefields of Iraq. They would speak out for their fellow soldiers—the ones who also may come home without a leg, or an arm, or their sight, but may not have the resources to carry on and support their families.

This amendment is their tribute to their brothers and sisters-in-arms.

For only about $3 per month, it allows service members to purchase group disability insurance that would award them a maximum of $100,000 if they are deemed seriously injured. For disabled veterans who may not be able to work when they come home, this insurance could help them obtain long-term care, send their kids to school, or simply make sure that they can pay the bills and still put food on the table. It won't cost the Government a dime. It simply needs our approval to allow it to happen.

The blessings of modern technology have saved the lives of many service members who would otherwise have died from their wounds. Yet, it also means there will be more wounded who need care. Every single one of us has a fundamental moral duty to take care of those men and women who've sacrificed to safeguard our freedom. This amendment offers us one way to do that, and I thank Senators CRAIG and AKAKA for their cooperation in moving this issue forward.

Mr. AKAKA. Mr. President, I am pleased to support this important and timely amendment.

This amendment will go far to ease the financial burden that is placed on a service member and his or her loved ones as a result of traumatic injury. Between $25,000 and $100,000 will be paid to service members who suffer such injuries based on severity of injury.

Service members and their families face heavy financial burdens while hospitalized, and prior to being medically discharged from the military. This effort will help lessen the burden that exists on service members and their families before VA benefits kick in.

Importantly, to qualify for this necessary benefit, our soldiers, sailors, airmen, and marines do not have to do any additional paperwork. They are automatically enrolled in this program by virtue of being a participant in the Servicemembers' Group Life Insurance Program.

The insurance premium will cost the service member approximately $1 a month and will be determined by the Secretary of Veterans Affairs.

This insurance policy is meant to supplement, and not take the place of, existing DoD and VA benefits. This amendment is intended to fill a gap: assistance to service members and their families during recovery from a traumatic injury. In no way should anyone view this as a precedence for shifting costs to a service member.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 564), as amended, 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.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank the Senator from Massachusetts for his consideration, most importantly the chairman of the full Appropriations Committee for his cooperation, the chairman of the Armed Services Committee for his understanding and work with his staff. As chairman of the Veterans' Affairs Committee, this was truly a team effort. Working with my colleague from Ohio, Senator DEWINE, we have accomplished something for America's veterans, especially those very traumatically injured, that I think is critical and necessary.

I yield the floor.

Mr. REID. Mr. President, I will speak briefly. If this time is taken from the time scheduled for a vote at 3:45, I ask unanimous consent whatever time I use extend the vote that amount of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE COURAGE OF SENATOR INOUYE

Mr. REID. Mr. President, we all have the good fortune of serving in this body with some outstanding men and women, but I don't think it is an exaggeration to say DAN INOUYE is a step above us all. He is a man for whom I have the greatest admiration, for many different reasons.

Sixty years ago today, on April 21, 1945, DAN INOUYE paid an incredible price protecting the freedom of our country and the people of the world. Senator DANIEL K. INOUYE showed during World War II what kind of a man he is.

He was born to Japanese immigrant parents in Honolulu. He witnessed the bombing of Pearl Harbor when he was 17 years old. But he did not stand by. He rushed in, provided aid to American troops. This was the beginning of his service to our country.

I will read now from his Medal of Honor citation which was received for actions this day 60 years ago, when Senator INOUYE and his men were in Italy, trying to capture a key mountain ridge.

The citation reads:

With complete disregard for his personal safety, Second Lieutenant Inouye crawled up the treacherous slope to within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm. Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions.

Senator INOUYE lost his arm and received other grievous wounds that day defending our freedom. It tells us something about this man, his courage and his heroism.

We serve with him every day. He is quiet, unassuming, but he is a real hero. He refused to let anything hold him back, in spite of his serious injuries, spending years in the hospital. Following that war, he went to the University of Hawaii, George Washington School of Law. He was elected to the House of Representatives, and now is the third most senior Member of the Senate. Throughout his life and his service, DAN INOUYE has proven himself a man of courage.

I am, with all Members in this Senate, Democrats and Republicans, proud to call him a friend and a colleague. He gave so much to our country so long ago but to this day he keeps on giving. We could all learn a lesson from this great American.

Mr. WARNER. I wish to commend the distinguished Senator for those remarks. I humbly ask the privilege of being associated with the remarks he made.

Senator INOUYE has been one of the most extraordinary leaders I have had the privilege to serve with in my career in the Senate. I thank him and I thank the Senator from Nevada.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. I don't know how the time is allocated, but I will take 2 or 3 minutes.

The PRESIDING OFFICER. There is 2 minutes 39 seconds.

AMENDMENT NO. 520

Mr. KENNEDY. Mr. President, from April of this year, 2005, the GAO report. There are two primary causes for the shortages of up-armored vehicles and add-on armor kits: First, a decision was made to pace production rather than use the maximum available capacity; two, funding allocations did not keep up with rapidly increasing requirements.

Army officials have not identified any long-term effort to improve the availability of up-armored Humvees or add-on armor kits.

The Department of the Army itself says now we are currently producing the 550, they will continue through June 2005, at which the production rates decline. To sustain production at the maximum capacity, the Army would need funding at 213. That is exactly what ours does.

If we did not include that, we see the dramatic production in the capacity and in the development of that.

Why are we doing that? Nine times the Army appeared before the Armed Services Committee; nine times they underestimated the needs.

A third of the 35 of the young men from my State of Massachusetts have lost their lives because of the lack of up-armor.

All we are asking, take it to the conference, 230. The House of Representatives saw that. Why doesn't the Senate of the United States? I hope we would have support for that amendment and let them work it out in the conference. Let's make sure we are going to do what needs to be done. We have seen the mistakes of the past. Let's not make another one today.

Mr. COCHRAN. How much time remains under the order?

The PRESIDING OFFICER. The Senator from Mississippi has 2½ minutes. That is all the time that is available.

Mr. COCHRAN. I reserve the remainder of my time and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JOHN D. NEGROPONTE TO BE DIRECTOR OF NATIONAL INTELLIGENCE—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session and proceed to a vote on the nomination, which the clerk will report.

The legislative clerk read the nomination of John D. Negroponte, of New York, to be Director of National Intelligence.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John D. Negroponte, of New York, to be Director of National Intelligence? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 107 Ex.]

YEAS—98

| | | |
|---|---|---|
| Akaka | Dodd | Martinez |
| Alexander | Dole | McCain |
| Allard | Domenici | McConnell |
| Allen | Dorgan | Mikulski |
| Baucus | Durbin | Murkowski |
| Bayh | Ensign | Murray |
| Bennett | Enzi | Nelson (FL) |
| Biden | Feingold | Nelson (NE) |
| Bingaman | Feinstein | Obama |
| Bond | Frist | Pryor |
| Boxer | Graham | Reed |
| Brownback | Grassley | Reid |
| Bunning | Gregg | Roberts |
| Burns | Hagel | Rockefeller |
| Burr | Hatch | Salazar |
| Byrd | Hutchison | Santorum |
| Cantwell | Inhofe | Sarbanes |
| Carper | Inouye | Schumer |
| Chafee | Isakson | Sessions |
| Chambliss | Jeffords | Shelby |
| Clinton | Johnson | Smith |
| Coburn | Kennedy | Snowe |
| Cochran | Kerry | Specter |
| Coleman | Kohl | Stabenow |
| Collins | Kyl | Stevens |
| Conrad | Landrieu | Sununu |
| Cornyn | Lautenberg | Talent |
| Corzine | Leahy | Thomas |
| Craig | Levin | Thune |
| Crapo | Lieberman | Vitter |
| Dayton | Lincoln | Voinovich |
| DeMint | Lott | Warner |
| DeWine | Lugar | |

NAYS—2

| | |
|---|---|
| Harkin | Wyden |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005—Continued

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 487

Mr. ENSIGN. Mr. President, I yield back my time on the amendment.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 487) was agreed to.

Mr. COCHRAN. 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.

Mr. ENSIGN. Mr. President, in the decade before 9/11, al Qaeda studied how to exploit gaps and weaknesses in the borders of the United States.

A few months ago, intelligence officials confirmed that the terrorist Zarqawi plans to infiltrate America through our borders. He plans to attack targets such as movie theaters, restaurants, and schools.

A year-long investigation recently concluded with authorities arresting 18 people who planned to smuggle grenade launchers, shoulder-fired missiles, and other Russian military weapons into our country.

Let's face it—the dual threat of illegal border crossing by people who wish to kill us and the weapons they need to do it is very real.

We are not dealing with rational people. We are not dealing with people who respect life or freedom. It would be irresponsible to sit idly by and not treat these threats seriously. We must continue to be diligent in our fight to defeat terror and protect our homeland.

Before 9/11, INS had only 9,800 border patrol agents. With the agency focused on immigration and narcotics, no major counterterrorism effort was underway.

More than 3 years after the devastating terrorist attacks, the men and women who serve on the border's frontline of defense are still overwhelmed. The Commissioner of the U.S. Customs and Border Protection has admitted they need more agents.

Our agents catch only about one-third of the estimated 3 million people who cross the border illegally each year. Three and half years ago it only took 19 to change the course of this country.

The 9/11 Commission addressed this very problem. They recommended banning terrorists from traveling to our country. This is exactly what my amendment attempts to accomplish.

We must commit resources to block terrorists who attempt to enter our country. Last year, I sponsored an amendment to the National Intelligence Reform Act that authorized the hiring of 10,000 new agents to patrol our borders over the next 5 years. And last month, the Senate approved a Budget which funded the hiring and training of 2,000 new border patrol agents next year.

Border security requires a serious commitment by Congress. There is no question that we need to hire new agents. Our security depends on it. But it will take more than simply hiring agents. Congress needs to increase funding for training and equipment. I hope we will remember this during the regular appropriations process.

We cannot wait another year to improve our border security. This is an emergency. The amendment that I am offering will put new agents on the ground in the next few months.

My amendment begins to fulfill the commitment Congress made last year. It provides $147 million to hire and train 400 new border patrol agents by October; 400 new agents is the maximum number of new agents that the Department of Homeland Security can train before the end of this fiscal year.

My amendment does not require any new spending. It is completely offset.

The 9/11 Commission found that many of the 19 hijackers could have been placed on watch lists. They were vulnerable to detection by border authorities. Without adequate staff and coordinated efforts, the terrorists were allowed to enter the United States. Once here they learned how to fly airplanes at American flight schools. They conducted surveillance to assess our weaknesses. And they attacked.

In order to prevent another terrorist attack on American soil, we must improve every aspect of our nation's security. Our security is truly only as strong as our weakest link.

For too long, the lack of funding for border agents has been a weak link. By funding additional agents, we protect both our southern and our, often neglected, northern border. This will make it harder for terrorists to enter the United States and attack us.

The world has changed dramatically since 9/11 when the terrorists used our open and trusting society against us. We can not allow a repeat of that tragedy. This amendment will help those who guard our frontiers by providing necessary tools to ensure the safety of our citizens.

AMENDMENT NO. 520

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on Bayh amendment No. 520.

Mr. WARNER. Mr. President, I had the opportunity to speak to the distinguished Senator from Alaska, Mr. STEVENS, and I know he was anxious to address the Senate with regard to his desire to obtain time to speak in opposition to the Bayh amendment. Might I ask, what is the parliamentary situation with regard to that? Hopefully, we can see the appearance of the Senator from Alaska.

The PRESIDING OFFICER (Mr. CHAFEE). Under the previous order, there are 2 minutes equally divided prior to the vote on the Bayh amendment.

Mr. WARNER. Will the Chair kindly repeat that?

The PRESIDING OFFICER. There are 2 minutes evenly divided prior to the vote on the Bayh amendment.

Mr. WARNER. Mr. President, on behalf of the senior Senator from Alaska,

I ask that an additional 10 minutes be allocated to the senior Senator from Alaska.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, do I understand currently there are 2 minutes to be equally divided, and now the Senator from Virginia has asked for 10 minutes for one side on this debate? I have no objection, obviously, to whatever time the Senator from Alaska wants. I object unless those of us who have a differing view have an opportunity to express ourselves.

Mr. WARNER. I misunderstood. I thought the senior Senator from Massachusetts and his colleague from Indiana had adequate opportunity to speak. I am perfectly willing to ask for 15 minutes equally divided between the senior Senator from Massachusetts and the senior Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I oppose the Bayh-Kennedy amendment on the uparmored humvees. The validated global war on terror requirement for this is 10,079. I do hope the Senate will listen. This is very serious.

We received a letter last week from two senior Army general officers, the Army's G–8 Deputy Chief of Staff for Programs and the Army's G–3 Deputy Chief of Staff for Operations and Plans, which states the total requirement for these vehicles is 10,079 and that industry will meet that requirement in less than 2 months with funds previously provided.

Keep in mind the pre-emergency throughput of these vehicles was 40 a month. We are now producing at the rate of 550 a month, and we will reach the maximum in June because we paid more to speed up this production.

We appropriated funds and reprogrammed to meet the total requirement. We have now met it. As a matter of fact, we produced 266 more vehicles than the Army wanted. This amendment is not about taking care of troops. I spent my career, and the Senator from Hawaii with me, to ensure the service men and women have the equipment they need, the support they need. This is about the production unit of a defense contractor, not about the people who are wearing the uniform in Iraq.

This manufacturer is currently producing these at the capacity, as I said, of 550 a month. Every month, 550 new humvees are going into Iraq. We will have more there by June than we need. There is no need for this. The sponsors want you to believe the Army wants and needs these, but that is not true. The Army's requirement will be met in June, and we have provided some money for all of them. In Iraq, we are meeting the requirements of the commanders in the field, and they have certified to that.

The additional funding of this amendment was not requested by the Department, and the commanders are receiving other vehicles now, for instance, the Striker, which is a different system and is providing more protection for the people in the field. They are going in there now.

Some people argue the need for these is going up. That is not true. The need for Strikers is going up, and we are sending Strikers in from Germany, from Hawaii, from Alaska, from Seattle. We are meeting the needs they demanded, and that is for the Strikers. This requirement is not increasing with the continued operations in Iraq.

A major difference now is, after February of this year, all vehicles operating outside the protective compound are armored, and we have met that need.

This is an emergency appropriations bill. I believe we should focus on the needs of validated requirements of the Department for the total global war, but this is not one of them.

I urge my colleagues to vote ''no'' on this amendment. I yield to my friend, the chairman of the Armed Services Committee, so he might be heard on the matter. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first, I commend Senators KENNEDY and BAYH. They have really fought the battle through the years, and it has been since fiscal year 2003 we have been dealing with the need for the uparmor.

As my colleague from Alaska said, and I add this, from fiscal year 2003 to 2005, the Congress added—that is additional funds—added $1.2 billion to the President's request to increase uparmored humvee production, and almost $1.9 billion was added to the President's budget request to increase the production of ballistic add-on armor for tactical-wheeled vehicles in the Army and the Marine Corps.

I think we have clearly met the demand, and it is largely owing to these two Senators who have been out on the point on this issue. But right now these additional funds, I say to my colleague from Alaska, if the Senate were to approve the amendment, would have to be taken out of other modernization programs for the Army; am I not correct?

Mr. STEVENS. Mr. President, that is correct. This money comes out of this supplemental for these purposes which is beyond the needs on this vehicle and reduce the amount of money for other items that are needed.

Mr. WARNER. I yield the floor.

Mr. STEVENS. I yield back the remainder of our time. I thank the Chair for his courtesy.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, point No. 1, this is additional money. Point No. 2, the House of Representatives added $233 million. Why? For the very reason that was in this letter from the Department of the Army that says ''to sustain production at the maximum capacity through the end of fiscal year 2005, the Army would need the additional funding of approximately $213 million.'' That is what the Department of Defense says it needs. That is what the House has done.

With all respect to the estimates that have been made, under the current request, the Department of Defense has testified nine times at the Armed Services Committee in terms of the needs of uparmored humvees. Every time they have been wrong. That is not just me talking. That is the GAO. This April, a GAO report says there are two primary causes for the shortages—shortages, that is the GAO, shortages—of the uparmored vehicles and add-on kits. One, a decision was made to pace production rather than use the maximum available capacity and, secondly, funding allocations did not keep up rapidly with increasing requirements.

That is the GAO in April of this year. ''Army officials have not identified any long-term efforts to improve the availability of uparmored humvees.'' That is the GAO.

The House took it. The GAO says it is necessary. The Department of Defense says so, too. Let us just include that and not leave the men and women who need the uparmored Humvees at risk in dangerous places around the world.

Mr. DOMENICI. Would the Senator yield for a question?

Mr. KENNEDY. How much time is remaining? I believe I have used my time.

The PRESIDING OFFICER. There is 5 minutes remaining.

Mr. DOMENICI. I ask for 10 seconds.

I ask the Senator, is this the first time the Senator from Massachusetts has been for something that the Republican House of Representatives is for?

Mr. KENNEDY. That is a good question. I think I can think back and maybe find one. I will think back and find one. Saint Patrick's Day address.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, with reference to the House, I say to our colleague from New Mexico with reference to the House, even a broken clock is right twice a day. So there is a first time for everything.

It is rare that this body votes on a matter that will affect the life and limbs of soldiers fighting as we speak in a theater of war. Now is such a time. As my colleague, Senator KENNEDY, mentioned, the Army has chronically underestimated the need for uparmored vehicles in the Iraqi theater. Nine consecutive times they have gotten it wrong. We now have a letter saying that finally they have gotten it right.

Walter Reed Army Hospital and the other military hospitals of this Nation are filled with the young men and women who have paid the price for these errors. When will we err on the side of doing more rather than less to protect the troops? Now is that time.

I conclude by saying this: Do my colleagues remember the young soldier who stood up when the Secretary of Defense visited Iraq and spoke about hillbilly armor? Do my colleagues remember him speaking about rummaging through the garbage to find metal to weld onto the side of the vehicles? Do my colleagues remember the round of applause he got from his fellow soldiers?

The troops know what is going on. The press knows what is going on. Apparently the House of Representatives knows what is going on. It is time that the Senate took a stand as well to do something about this, to give the troops the protection they need. Rummaging through the garbage—that is an outrage. Here is our chance to bring it to a stop. I ask my colleagues for their support.

Mr. STEVENS. Is all time yielded back?

Mr. KENNEDY. I yield back the balance of our time.

The PRESIDING OFFICER (Mr. CORNYN). All time is yielded back.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been previously ordered on the amendment.

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 61, nays 39, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—61

| | | |
|---|---|---|
| Akaka | Dorgan | Mikulski |
| Alexander | Durbin | Murray |
| Allen | Feingold | Nelson (FL) |
| Baucus | Feinstein | Nelson (NE) |
| Bayh | Harkin | Obama |
| Biden | Hutchison | Pryor |
| Bingaman | Jeffords | Reed |
| Boxer | Johnson | Reid |
| Burns | Kennedy | Rockefeller |
| Byrd | Kerry | Salazar |
| Cantwell | Kohl | Santorum |
| Carper | Landrieu | Sarbanes |
| Chafee | Lautenberg | Schumer |
| Clinton | Leahy | Snowe |
| Coleman | Levin | Specter |
| Collins | Lieberman | Stabenow |
| Conrad | Lincoln | Talent |
| Corzine | Lott | Thune |
| Dayton | Lugar | Wyden |
| DeWine | Martinez | |
| Dodd | McCain | |

NAYS—39

| | | |
|---|---|---|
| Allard | DeMint | Inouye |
| Bennett | Dole | Isakson |
| Bond | Domenici | Kyl |
| Brownback | Ensign | McConnell |
| Bunning | Enzi | Murkowski |
| Burr | Frist | Roberts |
| Chambliss | Graham | Sessions |
| Coburn | Grassley | Shelby |
| Cochran | Gregg | Smith |
| Cornyn | Hagel | |
| Craig | Hatch | |
| Crapo | Inhofe | |
| Stevens | Thomas | Voinovich |
| Sununu | Vitter | Warner |

The amendment (No. 520) was agreed to.

CHANGE OF VOTE

Mr. BURNS. Madam President, on today's vote No. 108, I voted ''nay.'' My intention was to vote ''yea.'' I ask unanimous consent to change my vote. It will not affect the outcome of the vote on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Kansas is recognized.

## EXECUTIVE SESSION

### NOMINATION OF LIEUTENANT GENERAL MICHAEL V. HAYDEN, UNITED STATES AIR FORCE, TO BE GENERAL AND DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE

Mr. ROBERTS. Mr. President, a unanimous consent has been agreed to by both sides for the Senate to immediately proceed to executive session to consider the following nominations on today's Executive Calendar: PN 421, LTG Michael V. Hayden, to be General, reported by the Armed Services Committee today; and No. 70, which is the confirmation of General Hayden to be the Deputy Director of National Intelligence.

I further ask unanimous consent the nominations be confirmed en bloc, the motion 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 are as follows:

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 general*

Lt. Gen. Michael V. Hayden.

EXECUTIVE OFFICE OF THE PRESIDENT

Lieutenant General Michael V. Hayden, United States Air Force, to be Principal Deputy Director of National Intelligence. (New Position.)

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

## EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005—Continued

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 389, 421, AS MODIFIED; NO. 484, AS MODIFIED; NO. 502, AS MODIFIED; NO. 565, AND 566, EN BLOC

Mr. STEVENS. Mr. President, last evening, as we were finishing up this bill, we had a series of amendments that were offered as amendments, and we were in the process of changing them to sense-of-the-Senate resolutions. There are a couple others we failed to offer, approved by both sides. I ask unanimous consent they now be offered en bloc and have them considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 389

(Purpose: To reaffirm the authority of States to regulate certain hunting and fishing activities)

On page 231, after line 6, add the following:

**SEC. 6047. STATE REGULATION OF RESIDENT AND NONRESIDENT HUNTING AND FISHING.**

(a) SHORT TITLE.—This section may be cited as the ''Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005''.

(b) DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.—

(1) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(2) CONSTRUCTION OF CONGRESSIONAL SILENCE.—Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the ''commerce clause'') to the regulation of hunting or fishing by a State or Indian tribe.

(c) LIMITATIONS.—Nothing in this section shall be construed—

(1) to limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

(d) STATE DEFINED.—For purposes of this section, the term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

AMENDMENT NO. 421, AS MODIFIED

(Purpose: To express the sense of the Senate on funding for the continuing development of the permanent magnet motor)

On page 169, between lines 8 and 9, insert the following:

PERMANENT MAGNET MOTOR

SEC. 1122. It is the sense of the Senate that of the amounts appropriated by this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', $15,000,000 should be made available for the continuing development of the permanent magnet motor.

AMENDMENT NO. 484, AS MODIFIED

(Purpose: To express the sense of the Senate on funding for the procurement of manportable air defense (MANPAD) systems)

On page 169, between lines 8 and 9, insert the following:

SENSE OF SENATE ON PROCUREMENT OF MANPORTABLE AIR DEFENSE SYSTEMS

SEC. 1122. It is the sense of the Senate that, of the amounts appropriated by this Act, $32,000,000 may be available to procure MANPAD systems.

AMENDMENT NO. 502, AS MODIFIED

(Purpose: To express the sense of the Senate on funding for the replenishment of medical supply needs within the combat theaters of the Army)

On page 169, between lines 8 and 9, insert the following:

SENSE OF SENATE ON MEDICAL SUPPORT FOR TACTICAL UNITS

SEC. 1122. It is the sense of the Senate that, of the amount appropriated by this Act under the heading ''OPERATION AND MAINTENANCE, ARMY'', $11,500,000 should be made available for the replenishment of medical supply and equipment needs within the combat theaters of the Army, including bandages and other blood-clotting supplies that utilize hemostatic, wound-dressing technologies.

AMENDMENT NO. 565

(Purpose: To express the sense of the Senate that Congress should enact an increase in the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days and make such increased period applicable to children of members who have died since the commencement of military operations in Afghanistan)

On page 169, between lines 8 and 9, insert the following:

SENSE OF SENATE ON INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS

SEC. 1122. It is the sense of the Senate that—

(1) Congress should enact an amendment to section 1079 of title 10, United States Code, in order to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days under that section such that the period of continued eligibility is the longer of—

(A) the three-year period beginning on the date of death of the member;

(B) the period ending on the date on which the child attains 21 years of age; or

(C) in the case of a child of a deceased member who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier—

(i) the date on which the child ceases to pursue such a course of study, as determined by the administering Secretary; or

(ii) the date on which the child attains 23 years of age; and

(2) Congress should make the amendment applicable to deaths of members of the Armed Forces on or after October 7, 2001, the date of the commencement of military operations in Afghanistan.

AMENDMENT NO. 566

(Purpose: To amend the Immigration and Nationality Act to provide for entry of nationals of Australia)

On page 231, between lines 3 and 4, insert the following new section:

RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA

SEC. 6047. (a) Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end ''or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);''; and

(2) in clause (i), by striking ''or'' after ''national;''.

(b) Section 202 of such Act (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

''(f) SPECIAL RULE FOR AUSTRALIA.—The total number of aliens who may acquire nonimmigrant status under section 101(a)(15)(E)(iii) may not exceed 5000 for a fiscal year.''.

(c) Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting '', section 101(a)(15)(E)(iii),'' after ''section 101(a)(15)(H)(i)(b)''.

(d) Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108–77; 117 Stat. 941), is amended—

(1) by inserting ''or section 101(a)(15)(E)(iii)'' after ''section 101(a)(15)(H)(i)(b1)'' each place it appears;

(2) in paragraph (3)(C)(i)(II), by striking ''or'' in the third place it appears;

(3) in paragraph (3)(C)(ii)(II), by striking ''or'' in the third place it appears; and

(4) in paragraph (3)(C)(iii)(II), by striking ''or'' in the third place it appears.

Mr. STEVENS. 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. 487, AS MODIFIED

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask unanimous consent that amendment No. 487 be modified so as to appear on page 187 after line 18. This request only changes the placement of the amendment in the bill. It does not change the text of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 187, after line 18, insert the following:

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', for hiring border patrol agents, $105,451,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CONSTRUCTION

For an additional amount for ''Construction'', $41,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REDUCTION IN FUNDING

The amount appropriated by title II for ''Contributions to International Peacekeeping Activities'' is hereby reduced by $146,951,000 and the total amount appropriated by title II is hereby reduced by $146,951,000.

AVIAN FLU AND THE EMERGENCY SUPPLEMENTAL FOR IRAQ

Mr. OBAMA. I see that the distinguished ranking member of the State and Foreign Operations Subcommittee, Senator LEAHY is here on the Senate floor. I am wondering it he would take just a moment to discuss with me the critical issue of the avian flu.

Mr. President, an outbreak of the avian flu would be an international calamity. In this age when you can get on a plane in Bangkok and arrive in Chicago or Burlington in hours, we must face the reality that this threat is not a problem isolated half a world away, but is one that could affect people in Illinois, Vermont, and all across America. The director of the Centers for Disease Control recognized the grave consequences this virus could pose to international health when she recently stated that ''this is a very ominous situation for the globe . . . [this is] the most important threat we are facing right now.'' It is something that is clearly an emergency and is appropriately addressed in the Iraq Supplemental.

At this point, humans contract the virus overwhelmingly by coming into contact with infected animals, and once contracted, the virus is extremely deadly—a 65 to 75 percent mortality rate for humans—especially because there is no proven vaccine for the H5N1 strain. Further, effective treatments for this strain of the virus are not widely available and must be delivered within 24 hours.

The recent trends with respect to the spread of the avian flu are very alarming. Over the last few months, there is growing evidence which suggests that the virus may be mutating and could eventually result in a form that is transmittable from human to human. If this were to occur, it could cause the deaths of millions of people, seriously damage economic activity in Southeast Asia, and cause panic and instability throughout the region. Moreover, because of the dynamic nature of Southeast Asia, with all sorts of commerce and transport in and out of the region, the virus would likely spread around the world—including to the United States, in a matter of hours or days.

I would ask my good friend, the senior Senator from Vermont, who has a

long history of leadership on international health issues. for his assessment of what needs to be done.

Mr. LEAHY. I would say to the Senator from Illinois that, earlier this year, the World Health Organization convened a conference on this issue. The WHO concluded that the international community does not possess sufficient plans and resources to effectively respond to an outbreak of the avian flu and that additional resources and attention to this issue are urgently needed. The WHO called for $100 million in new resources from the international community to prevent, and if necessary, respond to an outbreak of the avian flu.

Mr. OBAMA. Just for the record, the $100 million figure is important for our purposes here today. Before the Appropriations Committee put together the supplemental, we discussed the importance of immediately addressing the avian flu before the situation spirals out of control, and that $25 million is an appropriate amount to deal with this critical emergency. I am correct?

Mr. LEAHY. Yes, the Senator is correct. When the Appropriations Committee was putting together the Supplemental, the Majority and Minority, working together, included $25 million to prevent and respond to an outbreak of the avian flu, because of the urgent nature of the situation in southeast Asia.

I would also add that $25 million is one-fourth of the WHO appeal, and as we know, the traditional U.S. share of such multilateral efforts is one-fourth of the total cost. I would also point out that this is the amount that has been authorized in S. 600, the Foreign Assistance Authorization bill that was debated in the Senate last week.

Mr. OBAMA. I also know that USAID has already formulated a rapid response plan to use this $25 million, if it is ultimately appropriated.

Mr. LEAHY. That is correct. The administration urgently needs this money and it will be well spent if appropriated. In fact, the money will be used to address the avian flu and build lasting mechanisms and networks to address other viruses that will undoubtedly arise in southeast Asia. The $25 million to combat the avian flu is important for Southeast Asia and the United States.

ENSURING THE MILITARY DEATH BENEFIT IS TAX FREE

Ms. MIKULSKI. Mr. President, I rise to speak on my amendment No. 497 to ensure that increased military death benefits are tax free.

We know that more than 1,700 servicemen and women have made the ultimate sacrifice in Iraq and Afghanistan. We don't always focus on the families that have to live their lives without a husband or wife, without a son or daughter, without a father or mother, without a brother or sister.

Already in March, Newsweek estimated that 1,043 American children had lost a parent in Iraq. The stories of these children trying to cope with the reality that a parent isn't coming home will break your heart. But the families of those who die for their country also have to struggle with more mundane challenges, like the loss of the main breadwinner.

Staff Sargeant Kendell Waters-Bey was a 29-year-old Marine from Baltimore. He was one of the first American servicemembers to die in Iraq, among 12 people killed in a helicopter crash.

Michael and Angela Waters-Bey lost their only son; that's hard enough. But 10-year-old Kenneth lost his father. My Maryland colleague in the House, Congressman DUTCH RUPPERSBERGER, helped to set up a trust fund to pay for Kenneth's college education.

Another Marylander, Naval Reserve Lieutenant Kylan Jones-Huffman, was killed by small arms fire in Iraq. Lieutenant Jones-Huffman was a graduate of the U.S. Naval Academy in Annapolis, and he returned there to teach history before being deployed to Iraq.

These are just two of the many families in Maryland and across the Nation that experience the sacrifices of this war every day. They deserve our gratitude—not just words, but deeds.

I'm proud to be a member of the Appropriations Committee. We did what is right to support our troops by reporting out a strong emergency supplemental bill to meet the needs of our men and women in uniform in Iraq and Afghanistan and around the world. We did what is right by increasing the military death benefit immediately paid to the family of a member of our military who is killed.

This bill will raise the military death benefit from just over $12,000 to $100,000.

The supplemental bill also provides a benefit to make the increase retroactive to October 7, 2001, the start of the war in Afghanistan after the September 11 attacks.

The Senate has also rightly adopted the Kerry amendment to ensure that the death benefit increase covers all soldiers, sailors, airmen and marines who die on active duty.

I also appreciate the Senate's adoption of the Salazar amendment, to me the so-called death gratuity as fallen heroes compensation. While we understand that no compensation can make up for the loss of a family member, the new name adopted by the Senate recognizes that we are helping the families of our fallen heroes.

I believe just about every Senator shares my view that the military death benefit should not be taxed.

We need to make sure that the full amount is paid to the family of a service member who dies for our country. We are a grateful Nation, and this is one of the ways we express our gratitude.

Under our tax law, the death benefit is excluded from gross income. That means families don't have to pay income tax on it. We don't want the family of a hero who died for our country to be handed the American flag from the casket in one hand, and get a bill from the IRS in the other.

My amendment will make sure that the payments to make the death benefit increase retroactive are not taxed.

I appreciate the support of the National Military Family Association for my amendment.

I also appreciate the support of the Senator from New Jersey, Senator CORZINE, who is a cosponsor of this amendment.

I hope that the Senate will send a strong message that we intend the military death benefit to be tax-free.

Mr. GRASSLEY. I want to thank my friend, Senator MIKULSKI, for her work on this issue. You have called attention to a solemn and critically important issue, and I commend you and join with you in your commitment to ensure that we provide a real and meaningful death gratuity to the families of our brave young men and women who have paid the ultimate sacrifice. And I also share your commitment to ensure that those who have paid the ultimate sacrifice are not forced to pay again—to the IRS, in the form of taxation of these gratuity payments.

Unfortunately, addressing the tax treatment of these payments on this bill could raise procedural hurdles to getting this bill signed into law as quickly as possible. But as Chairman of the Finance Committee, I pledge to work with you, Senator BAUCUS in his role as ranking member, and the rest of the Finance Committee and Congress to ensure that these gratuity payments will not be subject to Federal tax and to enact any necessary changes at the earliest possible date on the first available vehicle. I look forward to working with the gentlelady to resolve this issue expeditiously.

Mr. BAUCUS. Mr. President, I rise to support the efforts of my friend and colleague Senator MIKULSKI to protect payments to the families of our brave Americans serving and dying for this country. There are currently 1,254 Montanans deployed overseas in Iraq and Afghanistan with one-third of those deployed coming from our guard and reserve forces. We have lost seven service members since the war on terrorism began and with each sacrifice I am made more aware of the strength and commitment of our military families.

Senator MIKULSKI has wisely offered an amendment to ensure that the additional death gratuity benefits would not be subject to taxes, just as other death gratuity benefits for military families are tax-free. It is certainly my hope that such an amendment is not needed. However, I have promised to work with Senator MIKULSKI and my good friend, Chairman GRASSLEY, to clarify that this is the case, should there be any question in the future about the tax-free status of these payments. Certainly, for these families who have already given so much to this country, it is the right thing to do.

Ms. MIKULSKI. Mr. President, I would like to thank the chairman of

the Finance Committee, Senator GRASSLEY, and the ranking member, Senator BAUCUS, for their support of ensuring that death benefits paid to the families of those who give their lives for our country are tax-free. I appreciate their commitment to getting this done through appropriate tax legislation, if necessary, as soon as possible. And I appreciate the help of their staff on the Finance Committee, who worked with my staff on this issue.

Given these commitments from Chairman GRASSLEY and Senator BAUCUS, I will not proceed with my amendment on this critical supplemental appropriations bill to meet the needs of our troops.

I thank the Chair and yield the floor.

Mr. KERRY. Mr. President, the Supplemental Appropriations bill includes a provision, Section 6023, which allows the Department of Energy to count subcontracts towards their small business prime contracting goal and caps the total agency small business goal at 23 percent.

Section 6023 amends the Small Business Act, which falls under the jurisdiction of the Senate Committee on Small Business and Entrepreneurship but neither Senator SNOWE, the chairwoman of the committee, nor I, the ranking member, were consulted about this language prior to its introduction.

The Senate Committee on Small Business and Entrepreneurship has a longstanding position opposing the counting of subcontracts towards small business prime contracting goals at the Department of Energy. And for good reason, doing it this way is faking. It's saying that you are awarding prime Federal contracts to small business when you really aren't.

This language will essentially cut small businesses out of contracts at the Department of Energy across the Nation by removing all incentives for the agency to create prime contracting opportunities for these firms. This provision would reduce the amount of contracts available for small firms, shrinking their revenue stream, reducing jobs and hurting the economy. Also, by reducing competition in the marketplace this language would prevent the Federal Government from benefiting from the billions of dollars in savings that come from that competition.

Even more problematic is the precedent this would set for government contracts. It would open the door for any agency with management and operations contractors, facilities managers, or systems integrators to seek an exemption from Federal acquisition law with regard to prime contract awards to small firms.

Mr. President, I recognize the concern that Senator DOMENICI has for his firms in New Mexico and for the two DOE laboratories located in his State. The loss of contracts by local businesses is a concern that Senator SNOWE and I would be happy to address with Senators DOMENICI and BINGAMAN. However, this language does nothing to guarantee that contracts stay local; instead it simply shifts the authority to award Government prime contracts away from a Federal agency and gives that authority to private, for-profit corporate entities. The availability of prime and subcontracting opportunities for small firms at the DOE is a complicated issue that needs a thorough investigation and analysis before adopting legislation that could irreparably harm small businesses throughout the Nation. An emergency supplemental bill is not the place for this language.

Finally, I have received a draft copy of the GAO report requested by Senators DOMENICI, BINGAMAN, SNOWE and myself on this very subject—DOE small business contracting. The draft report has a number of disturbing findings including: the complete lack of oversight in M&O subcontracting by the Department of Energy, falsified reporting data, and the mismanagement of subcontracts by large prime contractors. Given the serious nature of the problems with these M&O contractors, it is highly inappropriate for the Congress to now exempt the Agency from its oversight duties and hand over all control to these companies.

I have worked diligently with Senators SNOWE, BINGAMAN, and DOMENICI to find compromise language that would address Senator DOMENICI's concerns without causing irreparable damage to the small business community. Unfortunately, we ran out of time before this bill was adopted. However, I hope that we can continue to work on finding a real solution and correct this harmful provision in the conference to ensure that small businesses receive their fair share of DOE contracts. I believe we can do that without adversely affecting the agency's ability to successfully permit its core duties.

Mr. President, the emergency supplemental appropriations bill before the Senate is a vitally important piece of legislation. It provides $81 billion in immediate funds for U.S. operations in Iraq and Afghanistan, and to meet critical needs for other important national priorities, including tsunami relief.

The war in Iraq has been a divisive issue in our country. People have passionate views on the subject—a passion that is matched by our concern for the welfare of the men and women of the American military. It is that concern and a real desire for them to succeed that has driven us all to push the administration toward adopting a better approach to the mission in Iraq.

In recent months, President Bush has made progress in drawing additional international support to the training of Iraqi security forces. We can wonder what took so long and hope that their efforts in recent months were just the beginning, but we all recognize that the Iraqi election was an important milestone and success—a success made possible by the courage of the Iraqi people and the dedication of the men and women of the American military.

But the mission there is not complete. Even this week Iraq has been struck by deadly violence against innocent civilians. And the nascent government, even after the first election, can only be described as fragile. The Iraqi people are in the midst of an experiment with democracy—an experiment that must succeed. This supplemental bill will give them the tools and resources they need to succeed.

The legislation also provides critical funds for the mission in Afghanistan. The war against al-Qaida and international terrorism is not yet won, and our forces need these funds to continue the fight, to support the emergence of a free Afghanistan, and to bring Osama bin Laden to justice.

Last week, the Senate adopted two amendments I offered to improve benefits for surviving military families. One amendment extends the length of time surviving families may stay in military housing free of charge to one year. Military families suffer in unique ways when a loved one is lost in the line of duty. In the midst of grieving they must almost immediately plan to move and change their entire life. For those with children in school, the loss is compounded by the disruption in school and friends that moving in the midst of the school year may bring. The amendment the Senate accepted last week gives surviving military families the opportunity to get their affairs in order, to finish the school year, and to better cope with the loss of a loved one before having to move. I thank my colleagues for their support in this effort.

The second amendment I offered increases to $100,000 the death gratuity paid to survivors of service members who die on active duty. The current law provides a miserly sum of $12,400. I began talking about the need to increase the death gratuity more than a year ago. When the administration announced its proposal earlier this year, it sought to limit the increase to those who died in Iraq and Afghanistan. No one thought that was a good idea, including the uniformed leadership of the United States military. The Senate Appropriations Committee addressed part of the problem in its mark of this bill, but avoided the simple solution of changing U.S. Code to read ''$100,000'' instead of the current $12,000. My amendment did just that. And I thank my colleagues for their overwhelming support of it.

Our missions in Iraq and Afghanistan are not yet done. Until they are, the administration must continue to build international support for our efforts and ensure that the men and women of the American military have everything they need to succeed and that their families have the support they need and deserve.

The Congress has an important responsibility to pass this legislation swiftly. Any effort to unnecessarily burden this legislation with immigration provisions in conference will unnecessarily delay the passage of this

vital legislation to the detriment of the men and women in the field today. I strongly urge the conferees to reject any effort to attach the REAL ID Act to this legislation. Let's pass a clean bill that provides our forces with the tools they need and the resources they need to succeed.

Ms. MIKULSKI. Mr. President, I support our troops and their families. I am behind them 100 percent. They deserve our gratitude, not just with words but with deeds. We must do right by our troops and their families. This strong emergency supplemental appropriations bill helps us do just that.

In this bill we have provided $5.4 billion to fix or replace equipment that has been damaged during combat operations. We have also added $3.3 billion to add armor to all convoy trucks, buy more armored vehicles and provide helicopter survivability systems.

To help protect our troops from deadly improvised explosive devices, IEDs, I supported the addition of $60 million for the Army to purchase field jamming systems $213 million for the Army to purchase Up-Armored Humvees. We have preserved support for C130J aircraft, so vital to transporting troops and materiel around the world.

To ensure that we do all we can to care for soldiers when they are injured, this bill includes an additional $275 million for the Defense Health program. It also eliminates a petty charge to some service members recuperating from combat injuries in military facilities who are being asked to pay for their own meals.

More than 1,700 servicemen and -women have made the ultimate sacrifice in Iraq and Afghanistan. Part of the debt of gratitude we owe the families they leave behind is to ensure that they do not have to face a financial crisis at the same time that they are dealing with the loss of a loved one.

To help alleviate their burden, we have increased from $12,000 to $100,000 the Fallen Heroes compensation for family members of those brave troops who make the ultimate sacrifice on behalf of our country. We have applied this increase retroactively, to include all those who have died since the beginning of operations in Afghanistan, and we have extended this compensation to apply to every service member who dies while on active duty, not just in a designated combat zone.

We also need to make sure that families receive the full amount of this compensation. Working closely with Senator GRASSLEY, I have taken steps to ensure that the full benefit is tax free. Senator GRASSLEY has assured me that this important correction will be added to the next tax bill considered in the Senate.

To further ease the strain for these families, we have allowed the family of a service member who dies to remain in military housing for a year, rather than the 6 months currently allowed.

The veterans' health care system is stretched to the limit at a time when more and more veterans are turning to VA. That's why I supported an amendment by Senator MURRAY to increase veterans funding by $2 billion to meet the health care needs of soldiers returning from Iraq and Afghanistan and other war veterans. Although this amendment was defeated, I will continue to fight for adequate funding for veterans' health care, because the VA will continue to see more enrollment of veterans and a higher demand for care.

We know that nearly 40 percent of the soldiers deployed today in Iraq and Afghanistan are citizen soldiers who come from the National Guard and Reserves. More than half of these will suffer a loss of income when they are mobilized, because their military pay is less than the pay from their civilian job.

Many patriotic employers and state governments eliminate this pay gap by continuing to pay them the difference between their civilian and military pay. The Reservist Pay Security amendment, which I worked on with Senator DURBIN, will ensure that the U.S. Government also makes up for this pay gap for Federal employees who are activated in the Guard and Reserves.

Americans joined the world in mourning the loss of more than 150,000 victims of the Indian Ocean Tsunami last Christmas. Together, we prayed for the 7 million displaced survivors that God may give them the strength to persevere and overcome this, the largest natural disaster of our time.

But expressions of sympathy are not enough. As I said at the time of this terrible disaster, the United States must set the example and lead the world in the humanitarian effort of recovery and rebuilding.

So I am especially proud that this bill includes $907 million to help keep America's promise to tsunami victims. It provides $656 million for the Tsunami Recovery and Reconstruction fund to support on-going and long-term relief efforts. It also provides $25 million for U.S. tsunami warning programs to help prevent future human disasters on the scale we have seen in Asia.

Because it is just as important to support our communities at home as it is to support our troops in the field, I will continue to fight for responsible military budgets. For that reason, I joined Senator BYRD's call for the President to fund our operations in Iraq and Afghanistan through the regular budget and appropriations process. After 3 years in Afghanistan and 2 years in Iraq, we should not be funding these operations as if they were surprise emergencies.

I also joined Senator BYRD in his call for the President to provide Congress information on the costs so far of these operations and for an estimate of what we can expect them to cost in coming years.

This bill is a Federal investment in supporting our troops and their families.

We support out troops by getting them the best equipment and the best protection we can provide. We support them by making it easier for our citizen soldiers in the National Guard and Reserves to serve their country. And we support them by ensuring that their families do not face a financial crisis at the moment when they are grieving the loss of a soldier who has sacrificed everything for our country.

Mr. FEINGOLD. Mr. President, today I cast my vote in support of the 2005 supplemental bill for Iraq, Afghanistan, and tsunami relief. I do so despite my strong objections to the administration's policy of continuing to fund our military operations in Iraq and Afghanistan through emergency supplemental bills, as if the needs of our men and women on the ground in these troubled countries comes as some sort of surprise. These needs should be addressed in the regular budget request so that they can actually be paid for, not placed on the tab of the American people so that debt can pile up.

The American people deserve honesty in budgeting, and they deserve straight answers about just how long they should expect the United States to continue shouldering this extremely heavy burden in Iraq. Some have suggested that calling for straight answers somehow undermines the mission at hand. Nothing could be further from the truth. A clear vision, clear goals, and clear plans are essential to success. I hope the administration will articulate them soon.

But this tremendously irresponsible budgeting and dangerously vague overall strategy do not change the fact that our troops on the ground need timely support, and I will cast my vote to see that they get it. I was in Afghanistan and Iraq less than two months ago, and I was inspired by the commitment and professionalism of the service men and women I met there.

I was pleased the Senate adopted my amendment that would correct a flaw in current law that unintentionally but severely restricts the number of families of injured service members that qualify for travel assistance. Too many families are being denied help in visiting their injured loved ones because the Army has not officially listed them as ''seriously injured,'' even though these men and women have been evacuated out of the combat zone to the United States for treatment. My amendment will provide at least one trip for families of injured service members evacuated to a U.S. hospital so that these families can quickly reunite and begin recovering from the trauma they've experienced.

I want to make plain that I also believe that our diplomats on the ground in tough situations deserve our support and certainly deserve the resources they need to provide for their own security. Any suggestion that we can pursue our political strategy on the cheap while leaving the military alone responsible for the success or failure of

the U.S. intervention in Iraq is foolish. But I did vote to reduce some of the funds for the State Department provided in this bill, including funds for the embassy in Iraq—an embassy that will be the most expensive U.S. embassy in the world. These expenses simply do not belong in an emergency supplemental. They are predictable, they are ongoing, and they can be provided through the regular appropriations process.

I regret the managers of the bill did not seize the opportunity to extend the mandate of the Special Inspector General for Iraq reconstruction in this bill. Transparency and accountability in the reconstruction effort is not about finding new things to criticize. It is about responsible stewardship of U.S. taxpayer resources, and it is about getting reconstruction right. Ultimately, it is about achieving our goals in Iraq. We need ongoing, vigorous, focused oversight of the reconstruction effort. While I was unable to get my amendment passed, I will continue to work to ensure that this need is met.

Finally, I strongly support the tsunami relief provisions in this bill. The scale of this December 2004 tsunami disaster was nearly overwhelming, and the human losses were horrifying. I know that most of us here in the Congress and most Americans are firm in our resolve to be strong, consistent partners to the survivors and the affected communities.

Mrs. LINCOLN. Mr. President, as debate about the supplemental appropriations for military operations and reconstruction in Iraq and Afghanistan comes to a close, I would like to ensure that our focus remains on the welfare of our Nation's troops.

That is why I would like to speak on behalf of the men and women who are serving in our Nation's Armed Forces—those currently on active duty as well as in the National Guard and Reserves—who are serving today in Iraq, Afghanistan, and across the globe.

Since the President declared an end to major combat operations in Iraq on May 1, 2003, 1,419 American troops have died in Iraq and more than 11,000 have been wounded.

Even if combat in Iraq is something that no longer makes the front pages of our newspapers, it is still agonizingly clear that our troops remain in danger.

That is why it is even more important for this body to use sound judgment and good planning. One of my major concerns is that year after year we have found a way to take the process of funding military operations in Iraq and Afghanistan out of our regular budget process.

I am frustrated, quite frankly, that we have been subjected to this biannual ritual. I am frustrated that questioning the timing of these requests may cause our political opponents to call us unpatriotic. But, most of all, I am frustrated that doing my duty as a U.S. Senator could be considered anything less than keeping a sacred trust with our men and women in uniform.

In April of 2003, just a little over 2 years ago, Congress, at the President's request, provided approximately $78 billion to meet the challenge in Iraq. Six months later, in October of 2003, the administration came back to us and requested another $87 billion in the form of a supplemental appropriation to fund continuing operations in Iraq.

In early June of 2004, the Senate voted for another $25 billion to keep operations going through the end of that year. Now we are faced with yet another emergency supplemental request of more than $80 billion.

I agree that there is a need to adequately fund our troops. We must do everything we can to protect our men and women who are in harms' way. What I don't understand, quite frankly, is this President's inability or unwillingness to make this request a part of the normal budget and appropriation process that we go through every year.

As you recall, in April of 2003, the President requested $78 billion in emergency military funding. We were at the beginning of a war. Although it was a war of our choosing, I understood the uncertainty that war brings. Furthermore, I understood the value of not allowing our enemies to get a read on our intent by peering into our budget process over the course of a year. I supported the President's request.

A mere 6 months later, President Bush returned to this body to request another $87 billion for ongoing military operations in Iraq and Afghanistan. At that time, our troops were facing the imminent and ever-present danger of guerilla attacks.

Also, many of our troops were expressing concerns that they were not adequately trained for the specialized demands of peacekeeping and policing that the reconstruction effort required.

Moreover, the dangers and difficulties that our troops faced went far beyond the threat posed by attacks from insurgents and guerillas. I grew increasingly concerned about the conditions under which many of our troops were being forced to serve in the Middle East.

I was consistently hearing about shortages of quality food and water. I was hearing that our troops were not properly equipped with the tools of warfare. I was hearing of parents sending their children bullet-proof vests because the military could not or would not provide them.

Although the administration had completely misjudged the nature of this conflict, I understood that our troops must not suffer because others had let them down. I understood that whatever this administration's shortcomings were in terms of planning, our troops' safety and well being came first. I supported the President's request.

Once again, in June of 2004, this administration asked for another $25 billion supplemental for the ongoing efforts in Iraq. At that time, we were spending money in Iraq at an unexpectedly high rate, the promised money from Iraqi oil receipts was becoming an urban legend, and we were still dealing with a pervasive insurgency.

By June of 2004, we knew or should have known that Iraq was going to be a part of this Nation's financial responsibility for some time to come. But I understood that the situation was still uncertain. We had only been in Iraq little more than a year and I was sure that the President's 2006 Defense budget proposal would more accurately reflect the costs of the war. I understood that we could not drop the ball on the welfare of our troops. I supported the President's request.

Now the President is requesting an additional $80 billion to support ongoing military efforts in Iraq and Afghanistan. It seems as if we have been here before. I have to ask myself, when does an ''emergency'' supplemental request become sufficiently routine that it should be considered as part of our normal budget process?

Over the last 2 years we have been subjected to this ''emergency'' four times. We have had two budgets come to Capitol Hill from this administration in that time. Neither of those budgets requested one thin dime in support of our troops in Iraq or Afghanistan.

The present way in which we fund these conflicts is irresponsible and unsustainable. This administration, by not properly submitting this request through the normal budget and appropriations process, has effectively cut off our oversight role.

We now only have a scant few weeks to consider one of the most important pieces of funding legislation we will consider this year. Furthermore, as this supplemental becomes more and more routine, we run the risk of hiding the true costs of the war from the American people.

The American people have every right to know, in as clear and straightforward a manner as possible, what the financial costs of the war are. By excluding those costs from the normal budget process we obscure the true effect of this conflict on our national debt, our budget and our economy. I believe that the American people deserve more transparency from us.

We are now at the point where poor budget planning is no longer acceptable. We can no longer accept the argument that unexpected events have changed our outlook therefore we must have a supplemental. We know that Iraq is unpredictable. We know that unforseen events occur. Our planning must be flexible enough to accommodate this reality.

We see very clearly the effects of poor planning. We have seen it in the way our troops have been inadequately equipped early on in this conflict. We have seen it in the way this administration has failed to properly budget and has been forced to run to Congress for emergency funds every 6 months.

In spite of the haphazard way that this administration has planned for the

financial aspects of this conflict, this Congress must keep faith with our troops and the American people. Part of that is making sure that we hold this administration and any future administrations accountable for proper planning.

We must make sure that our troops are properly equipped and provided for and we must make sure that the American people have a true sense of the economic impact of this war.

We know that we will continue to have a commitment in Iraq. The level of that commitment is no longer a surprise. I expect to see that commitment reflected in the next Defense budget that is submitted to this Congress for consideration. I do not believe that another supplemental request beyond this one would be appropriate except in the most extreme circumstances.

We must make sure that our troops are safe and have the equipment they need. But, we must also make sure that the America they return to is stronger than the one they left. We must make sure that their children will not be burdened with the debt of our irresponsibility. We must make sure that we are never accused of shirking our duty to create an America with more opportunity, more hope and more prosperity.

We can only do that when we understand that our insistence on using the normal budget process to fund ongoing operations in Iraq is not an affront to our men and women in uniform, but rather, it is our way of honoring them and the nation that they are fighting to protect.

Mr. DODD. Mr. President, as a cosponsor, I rise to discuss the DeWine/Bingaman amendment. This important measure would designate $20 million for critical election assistance, employment and public works projects, and police assistance in Haiti. I am pleased that agreement has been reached to include this amendment in the managers' package.

It has been just over a year since President Jean Bertrand Aristide was forced into exile. It is well known that the United States played an active role in his departure. I do not wish at this time to consider just how great that role may have been. But as I have stated before, I am troubled that our Government chose to use its influence to remove a democratically elected leader—and for all of President Aristide's faults, he was that—rather than working to restore stability.

To its credit, the United Nations Peacekeeping force in Haiti, MINUSTAH, has done much to reestablish security following President Aristide's departure. I applaud those countries, particularly those Latin American countries, which have contributed forces. I am also encouraged by the work of the international community in support of the Haitian elections scheduled for this fall.

But without United States leadership, I am afraid that any temporary stability will be fleeting. Indeed, the Bush administration and the international community had an opportunity to become engaged in Haiti well before we reached the current state of affairs. It failed to do so. The presence of President Aristide used to be the Bush administration's excuse to not properly engage with Haiti. Right or wrong, that issue is no longer a factor.

Leadership here on the part of the Bush administration has been woefully lacking. Indeed, if we continue on our present course, long-term security in Haiti may be critically undermined. Most immediately, without increased United States support, the success of Haitian elections scheduled for this fall is in jeopardy—elections, which I might point out, could do much for the stability and well-being of the Haitian people.

Mr. President, during the past year, Haitians have endured unimaginable hardships. Flooding in late May claimed almost 3,000 lives. Tropical Storm Jeanne killed nearly 2,000—making it the deadliest storm this hurricane season. These catastrophes were only compounded by a deteriorating security environment. They created a vicious cycle where widespread looting and rioting significantly impeded disaster relief efforts.

Sadly, such violence and insecurity persists. The government lacks control over substantial portions of the country. Armed gangs continue to terrorize the capital of Port-au-Prince. Elements of the former military have occupied towns and police stations throughout the countryside. Since September alone, around 400 Haitians have been killed as violence spiraled out of control after an escalation in pro-Aristide protests.

The ongoing disorder is perhaps best symbolized by a February 19 attack on Haiti's national prison. Approximately a dozen armed men assaulted the facility and released 481 prisoners, including drug dealers and other suspected criminals. The attack—which appears to have been assisted from inside—is indicative of the government's inability to fully control even its own security forces.

If we are going to move toward a more hopeful future for Haiti, then we need to renew our support for the Haitian people. That means, of course, working to establish basic security. Clearly, we need to reign in the armed gangs and former military. But that is not enough. Long-term stability also requires a sustained commitment to democratic institutions and to economic development.

Last July, the United States pledged approximately $250 million in aid for fiscal years 2004 and 2005. The United States provided $130 million of that assistance last year. That's a good start. But we need to do more.

Mr. President, the United Nations peacekeeping force in Haiti, MINUSTAH, is making important contributions to peace and stability in Haiti. While it was criticized for early inactivity, MINUSTAH has recently stepped up its efforts to disarm former members of the Haitian military and others. Indeed, recently two United Nations peacekeepers were killed during operations to control police facilities previously occupied by members of the former military.

Despite this increase in activity, it is hard to imagine how MINUSTAH can establish real security at its current force level. MINUSTAH only reached its full strength of approximately 7,000 military personnel and 1,600 civilian police officers in December. Haiti also has about 4,000 of its own police officers, but most of these individuals are badly trained and poorly armed.

By comparison, New York City, which has roughly the same number of citizens as Haiti, is patrolled by 40,000 well trained and equipped police officers. That is over three times the number of security personnel as in Haiti. And it is worth noting that New York is not plagued by many of the problems that Haiti faces every day.

That is why this amendment includes funding to support police activities in Haiti. A critical aspect of this assistance must be police reform. Because regrettably, human rights groups report that some members of the Haitian police have committed abuses, including arbitrary arrests and, possibly, extrajudicial executions. Unless we create a climate of trust in Haiti with respect to that nation's police force, there can be no lasting security. And it is difficult to build trust without respect for the rule of law and the rights of individuals. Any police assistance, therefore, must be used to teach good policing practices, not just provide new resources for personnel, guns and ammunition.

Mr. President, the elections scheduled for this fall in Haiti could be a critical step toward achieving lasting stability. After all, only democratically elected governments have the legitimacy necessary to fully address the persistent security and socio-economic problems facing the Haitian people.

With assistance from the United Nations and the Organization of American States, the Haitian government is organizing voter registration and preparing the technical measures necessary to conduct accurate and fair polling. Smooth and successful polling operations are necessary to ensure that the election outcome is never in doubt. To enhance the effectiveness of these efforts, this amendment would make available critically needed funds for election assistance.

To ensure full legitimacy, however, I believe that the Haitian government must also take steps to re-engage with the Lavalas family party of President Aristide, which has threatened to boycott the elections. The Lavalas party is the largest and best organized party in Haiti, and without its participation, I am concerned that the election results will not be accepted by the Haitian people.

A critical step toward re-engaging the Lavalas party would be releasing former Prime Minister Neptune and any other Lavalas party members who are currently being held without formal charges being brought against them by Haitian authorities. To that end, I, along with several of my colleagues, wrote to Prime Minister Latortue requesting that he inform us on what charges the former Prime Minister is being held, and if there are no formal charges filed, to release him immediately. I have yet to receive an answer from the Haitian government.

But in the long-term, no single election can eliminate the instability and disorder that has afflicted the Haitian people for centuries. These problems have their root in persistent poverty and economic dislocation, and they can only be resolved through active engagement by the United States.

Haiti is the poorest country in the western hemisphere; 65 percent of the population lives below the poverty line. The average income is $250. Life expectancy is a mere 53 years, and half of the population does not have access to clean drinking water. Only 50 percent of the population works in the formal economy. In such an environment, is it any wonder that Haiti has suffered from years of violence and disorder?

Sadly, children are particularly affected by these impoverished conditions. Over one in ten Haitian children dies before age five. Approximately 20 percent of all children suffer from malnourishment. Haiti also has the highest prevalence of HIV/AIDS in the western hemisphere, and 4,000 to 6,000 children in Haiti are born with the virus each year. Yet according to the World Bank, in the 1990's, there were only two physicians for every 10,000 Haitians. That figure is unlikely to have improved. To combat the effects of such abject poverty, this amendment would provide assistance for employment projects.

For many Haitians, moreover, economic progress is impossible because they lack access to needed infrastructure. There are not enough roads, schools or hospitals. That is why funds designated by this amendment would also be available for important public works.

Lastly, I encourage my colleagues to use the benefits of trade to help the Haitian people. Last Congress, I was proud to cosponsor Senator DEWINE's HERO Act. This important legislation would have helped reinvigorate the Haitian economy by granting preferential trade treatment to certain Haitian textile products. I was pleased that the Senate passed this bill last year. Unfortunately, it met opposition in the other body. I hope we can make that legislation a priority in the 109th Congress.

Mr. President, in 1994, the United States launched an armed intervention to reestablish Haitian democracy. Last year, the United States again sent a contingent of Marines to restore stability. Too often in our history, our neglect of Haiti's most basic problems have left us with no choice but to intervene when instability breaks out into open crisis. Only through proactive leadership and a commitment to long-term development in Haiti can we break this cycle. For all these reasons, I am pleased that this amendment has been accepted as part of the managers' package. I urge the conferees to ensure that this language is included in the conference agreement of this bill.

Mr. BAUCUS. Mr. President, I wish to address several amendments offered to the emergency supplemental appropriations bill this week. We are debating this emergency appropriation primarily to see to the needs of the men and women who are serving on the front line in Iraq and Afghanistan. That's because it's our job to make sure that our troops get the support and the resources they need when they need them.

But there is another front line we should not forget about, and that includes the home front. And serving on the home front are the men and women of the National Guard, Border Patrol, Immigration and Customs agents, as well as the police forces who serve in big and small communities alike.

They, too, need resources and support from Congress. And while we have a process by which Congress determines on a yearly basis what those needs are, I am not content to just wait and see. I am concerned about the fate of important legislation that was passed last fall that authorized putting more border patrol agents on our front line—which more and more often is up on the highline of Montana, and not only across desert stretches on the Southern border.

That legislation, which was negotiated as part of the National Intelligence Reform Act of 2004 and signed by President Bush, recognized for more personnel patrolling our borders. Now, while the administration's fiscal year 2006 budget did not propose the funding called for in that legislation, it is up to all of us in Congress to make sure that the border patrol gets the help it needs. That is why I am a cosponsor of Senator BYRD's amendment to deliver the funds our border security personnel deserve.

But we have to do more. We need to help the border patrol and other Federal and State law enforcement agencies get their workload under control and focus on the most serious threats to our Nation's security.

Surely, we all want to know who the millions of undocumented aliens are who cross our borders each year. And many of these people live and work amongst us. The vast majority of these undocumented workers are here because there are jobs—in the service, agricultural or other sectors—for which employers cannot find willing American workers.

As long as tough standards are in place for (1) proving that no willing American workers could be found, (2) documenting the background of the worker and the nature of the work, and (3) consequences for breaking the law, I think we are a safer Nation when we encourage illegal migrants and their employers to come out from the shadows and show themselves.

Encouraging employers and foreign workers to work within the bounds of law will allow our border agents to better focus their efforts on those who would enter the country to do our citizens harm. And up on the Northern border, what used to be our nation's backdoor and is quickly becoming the front door, we face that more unlikely threat precisely because all eyes are on the southern border.

I'm not talking about amnesty, and I'm not talking about rushing into some sweeping immigration reform. I think that requires broader and more considered deliberation by Congress. But it does make sense to begin to document and track the movement of illegal migrants who would otherwise pay taxes and abide by our laws if they could earn the chance to do so. This in turn helps our small and seasonal businesses maintain a reliable, screened and legal workforce, and it allows us to focus our attention on stopping would-be terrorists from crossing our borders.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—99

| | | |
|---|---|---|
| Akaka | Chambliss | Ensign |
| Alexander | Clinton | Enzi |
| Allard | Coburn | Feingold |
| Allen | Cochran | Feinstein |
| Baucus | Coleman | Frist |
| Bayh | Collins | Graham |
| Bennett | Conrad | Grassley |
| Biden | Cornyn | Gregg |
| Bingaman | Corzine | Hagel |
| Bond | Craig | Harkin |
| Boxer | Crapo | Hatch |
| Brownback | Dayton | Hutchison |
| Bunning | DeMint | Inhofe |
| Burns | DeWine | Isakson |
| Burr | Dodd | Jeffords |
| Byrd | Dole | Johnson |
| Cantwell | Domenici | Kennedy |
| Carper | Dorgan | Kerry |
| Chafee | Durbin | Kohl |

| | | |
|---|---|---|
| Kyl | Murray | Shelby |
| Landrieu | Nelson (FL) | Smith |
| Lautenberg | Nelson (NE) | Snowe |
| Leahy | Obama | Specter |
| Levin | Pryor | Stabenow |
| Lieberman | Reed | Stevens |
| Lincoln | Reid | Sununu |
| Lott | Roberts | Talent |
| Lugar | Rockefeller | Thomas |
| Martinez | Salazar | Thune |
| McCain | Santorum | Vitter |
| McConnell | Sarbanes | Voinovich |
| Mikulski | Schumer | Warner |
| Murkowski | Sessions | Wyden |

NOT VOTING—1

Inouye

The bill (H.R. 1268), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The title was amended so as to read: ''An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.''.

Mr. COCHRAN. I move to reconsider the vote by which the bill was passed.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID of Nevada, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU conferees on the part of the Senate.

Mr. COCHRAN. Madam President, I thank all Senators for their cooperation in the passage of this bill. There were a lot of amendments offered, and we agreed to some of them. Some of them were adopted. We are going to conference with the House now to work out differences between the two bills. I am confident we will be able to come back with a product in the form of a conference report which the Senate can support, which will continue to support the additional funding that is needed for this fiscal year for our troops in the field, for those who are deployed in Iraq and Afghanistan and elsewhere in the world in the war on terror, and will meet the needs of our State Department through replenishment of accounts that have been depleted because of the disaster in the tsunami episode and for other needs the Senate and House have seen fit to include in this appropriations bill.

As my first bill to manager on the floor of the Senate as chairman of the Appropriations Committee, I have to give great credit to the assistance I received personally from staff members here in the Senate, other Senators as well who are more experienced and who chaired important subcommittees in the past and this full committee, as a matter of fact.

Specifically, I am thinking about Senator BYRD, the distinguished Senator from West Virginia, who has served as chairman of this committee and ranking member of the committee; Senator STEVENS, who is chairman of the Defense Appropriations Subcommittee; Senator INOUYE, who is the senior Democrat on that subcommittee, both of whom helped shape the content of this bill in areas under the jurisdiction of their subcommittee; and the staff director, Keith Kennedy, who is back from a leave of absence he had doing other things for the last several years but who, as a former staff director of this committee, provided strong leadership for our staff and gave me tremendous support which I needed to get this bill to this point. I am very grateful to him for his support and those who worked closely with him, like Terry Sauvain on the Democratic side; Sid Ashworth, who is the clerk of the Defense Appropriations Subcommittee, and her counterpart on the Democratic side, Charlie Houy; Paul Grove; Tim Rieser; Clayton Heil, who is counsel to the committee; and Chuck Kieffer, all of whom provided very important and appreciated support to me during the handling of this legislation.

Mr. BYRD. Mr. President, as we bring to a close the debate on the emergency supplemental, H.R. 1268, I thank my good friend from the State of Mississippi, the chairman of the Appropriations Committee, THAD COCHRAN. Senator COCHRAN was recently installed as the new Chairman of the Appropriations Committee, and, although he has managed numerous bills on the floor in the past, this is the first appropriations bill that he has managed as the chairman of the Appropriations Committee. I compliment Senator COCHRAN for a job well done, and I especially thank him for his patience. In fact, all of the Members should thank him for his patience. We have been on this bill for the better part of 2 weeks, and we have given consideration to many, many amendments. Throughout all of these many days of debate on the underlying bill and on the numerous amendments offered by both sides, Senator COCHRAN has kept a level head, and he has shown patience in seeing that this supplemental is processed in an orderly manner and that no Member is denied an opportunity to have input on this bill.

I also join with Senator COCHRAN in expressing gratitude to the staff members on both sides of the aisle who helped us with processing this bill and all those amendments. They worked late into the evening hours on some of these matters, and I appreciate not only their hard work but also their unstinting dedication to this institution.

Mr. President, this is only one in a series of supplemental requests that have come from the administration asking the Congress to appropriate more funds for the wars in Iraq and Afghanistan and for reconstruction efforts in those countries. With approval of this supplemental, we will have approved over $280 billion for the two wars through emergency supplemental bills. We should not continue to fund these wars in this way. This is not the chairman's fault. He can only respond to the administration's proposals. It is evident that many of my colleagues are in agreement that funding for war activities should be processed in regular annual appropriations measures, not through emergency supplementals. This was clearly and emphatically expressed again in of the sense of the Senate amendment earlier this week. I hope that this administration will take serious note of the Senate's strong view in this regard.

I assure my colleagues here today and the people of this country that I fully and wholeheartedly support our men and women in uniform. I give these troops my gratitude and my respect. I wish that we could give them more—I wish that we could give them a clearly defined mission, with a clearly defined strategy for ending the war in Iraq and coming home.

But, this administration is not winding down its military operations in Iraq—that is evident from the size of this most recent request submitted by the President. To the contrary, it appears that the United States may be gearing up either to accommodate a permanent military presence in Iraq or to establish a launching pad for other military operations in the region. This, certainly, would be the wrong message to send to the people of Iraq and others in the region. I pray that this is not the case.

Thank you, Mr. President, and I yield the floor.

## MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRAUMATIC INJURY PROTECTION

Mr. CRAIG. Madam President, we have completed a tremendously important piece of legislation for the funding of our troops in Afghanistan and Iraq. During this afternoon, I, along with Senator DANNY AKAKA, my ranking member on the Veterans' Affairs Committee, and Senator MIKE DEWINE, added an amendment I want to speak for a few moments about because I think it addresses a tremendous gap in the coverage that exists in the treatment of the soldiers, sailors, marines, and airmen who are fighting for our country at this very moment.

Our amendment addresses the coverage gap through the creation of a

new traumatic injury protection insurance program for the benefit of severely disabled service members. But before I describe the amendment, let me further discuss the nature of the problem our amendment attempts to attend.

It is widely known that due to the incredible advances in medicine, service members who may not have survived life-threatening injuries in previous wars are now making it back home alive from Iraq and Afghanistan. That is the good news. The bad news, however, is that they must live with injuries that may have left them without their limbs, sight, hearing, or speech ability, or even more. All of my colleagues have likely met these brave young men and women in their home visits or right here in Washington, DC, at Walter Reed Army Medical Center. They are fighting for their lives. They are attempting to learn, through physical and occupational therapy, how to reengage back into society, needless to say, relearning things I and my colleagues probably take for granted every day—how to walk, how to read, how to simply make breakfast in the morning and what, for them, can take months and quite possibly years to learn how to redo.

It is during this rehabilitation period at military hospitals the need for additional financial resources becomes most acute. For many Guard and Reserve members at Walter Reed, they already have foregone higher paying civilian jobs prior to their deployment. Lengthy recovery periods simply add to the financial stress they bear. In addition, family members of injured soldiers bear the burdens necessary to travel from great distances to provide the love and emotional support that is absolutely essential for any successful rehabilitation. Spouses quit jobs to spend time with their husbands at the hospital, or husbands quit jobs to spend time with their wives. Parents spare no expense to be with their injured children.

To meet these needs, our amendment would create a traumatic injury protection insurance rider as part of an existing service member's group life insurance program. The traumatic insurance would provide coverage for severely disabling conditions at a cost of approximately $1 a month for participating service members. The payment for those suffering a severe disability would be immediate and would range from $25,000 to a maximum of $100,000. Of course, that is to tide them over during this period before the other benefits we all know about kick in.

The purpose of the immediate payment would be to give injured service members and their families the financial cushion they need to sustain them before their medical discharge from the service, when veterans benefits kick in.

The traumatic injuries covered under our amendment include total and permanent loss of sight, loss of hands or feet, total or permanent loss of speech, total or permanent loss of hearing, quadriplegia or paraplegia, burns greater than second degree, covering 30 percent of the body or face, certain traumatic brain injuries.

Most of the amendment is entirely reasonable given the cause. Informal CBO estimates put the fiscal year 2006 cost at about $10 million, a very small price to pay to meet the needs of those wounded warriors.

I cannot take credit for the idea behind this amendment. The great credit must go to disabled veterans from the Wounded Warrior Project, run under the aegis of the United Spinal Association. Three Wounded Warrior veterans from the Iraq war visited my office last week to discuss the need to provide this type of an insurance benefit.

One veteran, former Army Staff Sergeant Heath Calhoun, had both of his legs amputated after being struck during a rocket-propelled grenade attack in Iraq. Heath and his wife, Tiffany, who was present with him in my office, described the financial problems they had endured after Tiffany quit her job to be with Heath during convalescence. It took over a year before Heath was medically discharged from service. While the Calhoun family was able to make it through, it was an extremely trying period. Heath told me he was adamant that other servicemen in Iraq should not have to worry about finances, should they, too, be injured.

The quickest way to accomplish that, he told me, was to add a disability insurance rider, financed by service members through monthly premium deductions, to the existing life insurance program.

I am honored to sponsor that amendment. It is now in the legislation that passed the Senate. The White House endorses it. The Defense Department endorses it. We had a press conference yesterday with the Secretary of Veterans Affairs, Jim Nicholson, and the head of personnel at the DOD.

I want to also personally compliment Ryan Kelly, who was a visitor also with me this past week. Mr. Kelly lost his right leg during an ambush near Baghdad almost 21 months ago. I am told he was a principal author of the draft legislation that culminated in the amendment we offered here this afternoon. I thank him for the tremendously fine work he did.

I also thank President Bush, of course—I just mentioned him—and his top administration officials for lending their support to this amendment. Secretary Nicholson, Defense Deputy Secretary of Defense Paul Wolfowitz, and their staffs provided invaluable technical support in drafting this amendment.

The supplemental already would make substantial improvements to benefits provided to survivors of those killed in the line of duty. I applaud all of those efforts for our veterans and their survivors. I also remind my colleagues we must be vigilant in our care for those who are still fighting to regain the normalcy of the lives they enjoyed prior to sustaining catastrophic injuries in the defense of our freedoms. We now have moved this from an idea to an amendment, and now into the legislation that passed. I thank my colleagues in the Senate for their unanimous support of what is a very important piece of legislation that fills a hole and sustains a family and sustains a warrior in his or her greatest time of need—that of recovering from a traumatic injury and moving into civilian or military whole life again. I thank my colleagues for their support. I yield the floor and 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. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BORDER SECURITY

Mr. BAUCUS. Madam President, I feel very strongly that we must increase our border security. The resources of our National Guard, law enforcement, and Customs and Border Patrol agents are stretched way too thin and they need our help, especially along the northern border. Their ability to successfully carry out their daily duties is of critical importance to the safety of all Americans.

We must protect our borders better and work to increase the apprehension of illegal aliens crossing into the United States.

The Intelligence Reform and Terrorism Prevention Act we passed in 2004 authorized the hiring of 2,000 new Border Patrol agents. Yet the President's budget only proposed 210 new agents—about 10 percent of what is authorized.

The Border Patrol has been dangerously underfunded. That is why I cosponsored Senator BYRD's Border Patrol amendment, which passed yesterday, and why I supported Senator ENSIGN's amendment today.

I recognize we are fighting the war on terrorism overseas, but we need more agents, investigators, detention, and deportation officers at home.

Additional funding will ensure that more illegal aliens will be detained and our borders will be tightened against all threats, especially terrorism. The best way to prevent terrorism in the United States is to prevent terrorists from entering the United States.

In my State of Montana, we deal with the vast northern border and the terrain is not easy to patrol. As you can imagine, as the southern border is tightened, our northern border, which used to be America's back door, is quickly becoming the front door. We need more agents; it is that simple. That border is long. Agents can only cover so much territory. The agents need training and facilities.

In addition to personnel and training, we must also employ the latest technologies. The Border Patrol conducted successful tests using unmanned aerial vehicles—around here known as UAVs—along the southwest border in Arizona for surveillance and detection of individuals attempting to enter the U.S. illegally. Unfortunately, those operations were ceased at the end of January of this year. Thankfully, the funds provided in Senator BYRD's amendment will allow for the immediate resumption of these surveillance and detection operations. UAVs are a safe alternative to placing civilians in harm's way.

It is up to all of us in Congress—not just today, but in future days and weeks and months—to make sure the Border Patrol gets the help it needs. We must deliver the funds our border security personnel deserve to continue their work of apprehending illegal aliens, fighting the war on terrorism, and keeping the homefront safe.

I might add, it also applies to methamphetamines. There is a lot of that coming into our country across our borders. It is a huge problem. I daresay virtually every State in the Nation has a significant methamphetamine problem, and too much is being used by citizens in States. A lot of it is manufactured locally, but a lot is also imported. So more Border Patrol agents will help us fight not only terrorism, but the scourge of methamphetamines.

I yield the floor and 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. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRESERVING SENATE RULES

Mr. BAUCUS. Madam President, engraved in stone on the panel behind the Presiding Officer are the words ''E pluribus unum''—''Out of many, one.''

The words also appear on the seal of the Senate, which appears on the flag the Senators see to the right of the Presiding Officer. It is one of my favorite mottos. It is the motto of the United States of America. The words mean, ''One unity, formed from many parts.'' They represent the Senate well. For it is here in the Senate our Nation has been brought together. It is here in the Senate our Nation's leaders have worked out many of the great compromises that have bridged the issues of the day. It is here in the Senate that disparate interests in our Nation have become one.

The Senate is a place of unity, a place of compromise, and a place of consensus, because of its rules. The Senate works to force unity, not because its rules make it easy to get things done, but because the rules make it so hard. Because the Senate's rules require Senators to assemble majorities of three-fifths, and sometimes two-thirds, the rules force Senators to find policy positions that appeal more broadly, that transcend party, that bring more Senators together.

Because its rules make it so hard to get things done, the Senate does much of its work through the ultimate expression of unity—through unanimous consent.

Because the Senate's rules make it hard to get things done, Senators must work together to get things done. Because the Senate's rules make it hard to get things done, no Senator may completely disrespect a second Senator because a second Senator might hold up the first Senator's legislation.

Because the rules make it harder to get things done, the Senate has collegiality and comity. It is that simple. The rules make it harder to get things done, and that forces us together. Because the Senate rules make it harder to get things done, Senators of one party must reach out to the moderates of another party.

Let me state for the record, as my colleagues already know, I am one of those moderates. Since 1978, I have worked in this Chamber to put Montana first, to use common sense, to be effective, and to get things done. Because of the way the Senate works and because of the way I work, that has meant working together with other Senators, often across the aisle.

I have worked together with Republicans to cut taxes, to reform environmental laws, to open international markets to American trade, and to update Medicare to provide prescription drugs. Why? Because all those are important, and it is important to work together to get those things done.

One of the reasons moderates, like me, of both parties can move compromises and consensus legislation is because the rules of the Senate require getting more than a simple majority.

Contrast that with the House of Representatives. There the rules make it easy to get things done. But there, it is a rare exception when Members craft legislation to appeal broadly, across party lines. There the majority passes the legislation that represents the strongest achievable expression of the majority party's position. Unity is not their goal.

One might call the result majority rule, but the reality is that the product of the House of Representatives often represents an even smaller fraction. The rules of the House of Representatives often encourage a majority of those in the majority party to decide policy and then to enforce that policy within the majority caucus. Because its rules make it so easy to get things done, Representatives of one party steamroll the moderates of their own party, let alone of the other party.

Thus, the rules of the House of Representatives foster sharper partisan division between the two parties. The rules of the Senate lead to the result: ''Out of many, one.'' The rules of the House lead to the result: ''Out of many, two.''

The Senate's rules are particularly important to a State with a small population, such as my home State of Montana. This is particularly true in light of the small House delegation that such small States have. Montana, as several other States, has one Representative in the House. States such as Montana rely on their Senators to allow their relatively greater influence to protect their interests. Without the Senate rules, rural America would have a much harder time getting heard. Sometimes it is good that the Senate's rules require more than a thin majority, in order to make sure that every part of the country is truly represented.

Fundamental to the Senate's rules, for two centuries, has been the right to extended debate. In the First Congress, Senators debated at length the permanent site for the Capitol. In 1811, the House of Representatives provided that a motion for the previous question could cut off further debate. But the Senate rules have not included such a motion since the 1806 codification of the rules. We cannot summarily cut off debate, as the House can. And even after the Senate adopted rule XXII of cloture in 1917, the Senate rules have required a supermajority to bring debate to a close. Since its revision in 1979, rule XXII has required the affirmative vote of 60 Senators to limit debate.

Thus, for two centuries, Democrats and Republicans alike have used the Senate's rules to protect the rights of the minority party. After two centuries, it would be a mistake to change those rules.

Extended debate allows Senators to protect minority interests. Extended debate gives life to the traditional story that Washington told Jefferson that, like pouring coffee into a saucer, ''we pour legislation into the senatorial saucer to cool it.'' Extended debate makes the Senate, in Aaron Burr's words, ''a sanctuary; a citadel of law, of order, and of liberty.''

The Senate's rules thus help to protect personal rights and liberties. The Senate's rules help to ensure that no one party has absolute power. The Senate's rules help to give effect to the Founder's conception of checks and balances.

The Senate's right of extended debate is particularly important in the context of nominations for the lifetime jobs of Federal judges.

At the Constitutional Convention, the Founders debated different ways to appoint judges. On June 13, 1787, James Madison of Virginia proposed that the Senate make the appointments to protect the integrity, the independence of the third article; that is, the judges of the United States of America. On June 15, William Paterson of New Jersey

proposed that the President make the appointments. On July 18, Nathaniel Gorham of Massachusetts proposed a compromise, that the President make the appointment with the advice and consent of the Senate. That is, they both decide; not just the President, not just the Senate, they both do, again, to protect the integrity of the independence of our Federal judiciary.

The history of the Constitutional Convention thus demonstrates that the Founders hoped that both the President and the Senate could be involved in the process.

In its application, the Senate's involvement in the confirmation of judges has helped to ensure that nominees have had the support of a broad political consensus. The Senate's involvement has helped to ensure that the President could not appoint extreme nominees. The Senate's involvement has thus helped to ensure that judges have been freer of partisanship and, in fact, more independent.

The Founders wanted the courts to be an independent branch of Government, helping to exercise the Constitution's intricate systems of checks and balances. The Senate's involvement in the confirmation of judges has helped to ensure that the judiciary can be that more independent branch. And that independence of the judiciary, in turn, has helped to ensure the protection of personal rights and liberties in our country.

It is important that we get good judges. Over the years, this has been one of the issues of greatest importance to me as a Senator. That is why I worked to set up a merit selection system that is truly apolitical to select judges that I recommend to the President from my State of Montana. The Senate's rules help to make a merit selection possible.

I invite my colleagues to read the inscription in the marble relief over the Senate's door to my left. There is inscribed a single word: ''Courage.'' That is what preserving the Senate's rules will require: courage to stand up to the extremists; courage to stand up to the majority of one's party; courage to save the institution itself.

For Senators of either party, the simplest thing is usually to vote with the party. Voting with the party makes it easier to go to the party caucus lunch. Voting with the party makes it easier to hang on to a committee chairmanship.

To preserve this Senate will take the courage of at least six Senators in the majority party who are willing to vote for the institution first before their comfort at party lunches. It will take the courage of six Senators in the majority party who are willing to risk their chairmanships to protect the Senate—indeed, the country itself.

Let me offer this encouragement. I recall a decade ago in 1995, Senator Mark Hatfield from Oregon, who was then the chairman of the Appropriations Committee, told his majority leader, Senator Bob Dole, that he would rather resign from the Senate than vote for the constitutional amendment to require a balanced budget. Luckily, Senator Dole did not accept Senator Hatfield's offer, and Senator Dole later wrote:

> While I strongly disagreed with his position, I also respected any Senator's right to vote their conscience.

In retrospect, Republican Senators should see it was lucky for them that Senator Hatfield voted as he did. For if the Constitution required a balanced budget, it would have required the majority party to make massive cuts in Government services during the 5 years of deficits and, thus, if the Constitution required a balanced budget, the voters would have long ago punished Republican Senators for the cuts they would have made. They should thank Senator Hatfield that it did not pass. In the end, the sacrifices of these times ask that six Senators of the majority party stand up. The sacrifices that these times ask of six Senators from the majority party pales next to those of an earlier generation. Benjamin Franklin, John Adams, and Thomas Jefferson selected the words ''e pluribus unum'' as the Nation's motto on August 10, 1776. That was barely a month after they had published the document, the Declaration of Independence, in which they had written:

> We mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Just think of the courage of our Founding Fathers when they wrote the Declaration of Independence to break away from England knowing if they were apprehended, they would all be hanged. They knew that. Just think of their courage.

On the occasion of signing the Declaration, Benjamin Franklin is said to have warned: We must all hang together or surely we will all hang separately.

Our Founders sought unity from the very beginning. For unity, they were willing to risk their fortunes. For unity, they were willing to risk their lives. How many here can say that?

Today, to preserve the rules of the Senate that so foster unity, six Senators will be asked to risk much less. To preserve this Senate, they need not offer their fortunes. To preserve this Senate, they need not offer their lives. But to preserve this Senate, they will need to offer their courage.

I call on my colleagues in the majority to follow the exhortations engraved on the west door. I call on my colleagues to recall the courage of our Founders who risked their lives to give us this sacred inheritance of checks and balances. I call on my colleagues to summon the courage to vote against the effort to change the rules that make the Senate the place we love so much, that would change the Senate so much so that it will dramatically undermine the protection of liberties and the protection of our rights that so many Americans look to us to enforce.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## GLOBAL HEALTH CORPS ACT

Mr. FRIST. Mr. President, on Tuesday, I introduced the Global Health Corps Act of 2005.

As a doctor who has traveled the world treating patients in desperate and war-ravaged lands, this cause is near and dear to my heart.

I believe, and I have seen, through the good works of many talented and compassionate men and women, that medicine is not only an instrument of health, but a currency of peace. Healing gives hope. And I have seen that real, tangible, medical intervention can help bridge the gaps and misunderstandings that so often divide cultures.

We see that phenomenon in Afghanistan and Iraq. And we saw it in South East Asia in the aftermath of the terrible tsunami tragedy.

Immediately, American military ships, planes and helicopters arrived to deliver food, water, medicine and tents to the devastated region. The U.S. Agency for International Development set up a 24-hour, 7-day-a-week, Disaster Response Command Center here in Washington and abroad.

Thousands of private citizens, religious groups, small businesses and large corporations sent tens of millions of dollars in donations to help aid the people of South East Asia. Many continue to keep giving. America's response, both official and private, was a portrait in compassion.

I had the opportunity to travel to the region with the distinguished Senator MARY LANDRIEU days after the tsunami struck. Together, we surveyed the damage, assessed the humanitarian needs, and witnessed American compassion in action.

We spoke to doctors, nurses, officials and victims. One doctor I met in Sri Lanka told me a remarkable story of compassion. He had e-mailed a plea for help just as the massive wave swamped his hospital. Within 2 days, a team of Scandinavian physicians who had seen the e-mail arrived to set up a pediatric ward.

Countless health care professionals from all over the world, both volunteers and government workers, rushed to the devastated region to offer assistance and supplies.

The outpouring of support from the world community, led by American efforts, was truly extraordinary—a moving testament to our shared humanity.

America is a giving nation. Indeed, America provides 60 percent of all food humanitarian relief in the world. Moreover, the generosity of private citizens significantly amplifies official efforts.

It is this spirit of generosity that the Global Health Corps seeks to harness. America possesses a vast reservoir of talent, knowledge, and compassion that can help heal, both literally and figuratively, our global ties.

It was the famed violinist, Yehudi Menhuhin, who said:

Peace may sound simple—one beautiful word—but it requires everything we have, every quality, every strength, every dream, every high ideal.

Providing health care services and training to those in need is one positive step we can take to demonstrate our goodwill and high ideals, and by doing so, plant the seeds of hope and peace.

The purpose of the Global Health Corps is twofold.

First and foremost, the Health Corps will help to improve the health, welfare, and development of communities in foreign countries and regions abroad.

In too many places, simple things like vaccinations, first aid, clean water, and hygiene are unknown or woefully inadequate. Men, women and children especially children—suffer terrible illnesses that can be easily prevented with basic health services.

The Health Corps bill seeks to provide a range of services from rapid relief, like what we saw following the tsunami, to long-term assistance to address endemic public health issues. It provides services such as veterinary care, which is very important in developing countries, where livestock are frequently a family's means of nutrition, commerce, and wealth.

A new Institute of Medicine survey issued today reports that one of the biggest obstacles to fighting HIV/AIDS in Africa is the severe shortage of medical personnel.

Sub-Saharan Africa has 25 percent of the world's HIV/AIDS cases, but only 1.3 percent of the world's health force. In Rwanda, for example, there are less than two doctors per 100,000 people.

If we are to maximize our help to these countries, we need to strengthen the medical delivery systems on the ground. HIV/AIDS medicine does no good sitting in boxes. Vaccines can't protect children from preventable diseases if there is no one to administer the shots. Strengthening the local infrastructure and teaching local citizens basic health skills will go a long way to addressing their medical needs.

The second goal of the Global Health Corps is to deploy health care assistance as a tool of public diplomacy. John F. Kennedy recognized that our assistance to other nations carries the most weight when it involves personal, intimate contact on the community level and provides tangible benefits to everyday people. This is why he established the Peace Corps, and why this bill taps into the Peace Corps for volunteers.

The new Global Health Corps will draw together health care professionals and volunteers from around the Nation, from both the private and public sectors.

Some Health Corps volunteers will be seasoned doctors, nurses, and medical technicians. Others will enter the program with simply a passion for public health, a willingness to learn, and a desire to help others.

The U.S. Government is already doing a great deal of work in these areas. But the Global Health Corps will pull it all together, coordinate and focus our efforts, and tap into the private sector both private organizations and individuals—to multiply our efforts.

Like members of the Peace Corps and our many volunteers abroad, the Global Health Corps will serve as a shining example of the American people, our charity and goodwill.

In a speech in San Francisco on the eve of the 1960 Presidential election, John F. Kennedy made the stark but compassionate observation that:

There is not enough money in all America to relieve the misery of the undeveloped world in a giant and endless soup kitchen. But there is enough know-how and enough knowledgeable people to help those nations help themselves.

Indeed, as the famous proverb counsels:

Give a man a fish and he's fed for a day. Teach him how to fish and he will be fed all of his life.

I am proud that Senator LUGAR, Chairman of the Senate Foreign Relations Committee, is co-sponsoring my bill. I urge my colleagues to join us in this vital mission.

In a world that is ever more connected by planes and computers, markets and movements, our fate is bound ever closer with that of our neighbors—near and far, wealthy and poor. I call upon my colleagues to advance our common humanity. Helping heal others abroad—and showing them America's heart—will help all of us stay safer at home.

## SUPPORTING COPS

Mr. LEVIN. Mr. President, combating violent crime, especially gun crime, requires that our law enforcement agencies are adequately staffed and equipped. I have been a strong supporter of the Community Oriented Policing Services, COPS, program. The COPS Program has been critical to our Nation's law enforcement community since its creation in 1994, and I am pleased to join Senator BIDEN as a cosponsor of the COPS Reauthorization Act.

The COPS Program was designed to assist State and local law enforcement agencies in hiring additional police officers to reduce crime through the use of community policing. In Michigan alone, 514 local and State law enforcement agencies have received more than $220 million in grants through the COPS Program since its creation. These grants have improved the safety of communities by putting more than 3,300 law enforcement officers on Michigan streets and by supporting other important programs. Nationwide, the COPS Program has awarded more than $11 billion in grants, resulting in the hiring of 118,000 additional police officers.

In my home State, the Detroit Police Department, DPD, used a COPS grant to hire additional officers that were needed to implement a 5-year community policing plan. Prior to the COPS grant award, the DPD lacked sufficient personnel to effectively cover high crime areas. The community policing plan placed teams of officers in neighborhoods to combat rising crime rates and work with residents to develop crime reduction strategies. The plan resulted in a drop in the number of reported violent crimes as well as improved police-community relations. The success of the Detroit Police Department illustrates the important role that COPS grants play in the safety of communities around the country.

Unfortunately, authorization for the COPS Program was permitted to expire at the end of fiscal year 2000. Although the program has survived through the annual appropriations process, it has received significant funding cuts. In fact, the Fiscal Year 2005 Omnibus Appropriations Act included only $606 million for the COPS Program, $142 million below the amount appropriated in 2004. In addition, President Bush's fiscal year 2006 budget would completely eliminate the COPS hiring grants. Despite the important positive impact of the COPS Program in Detroit and across the country, the President justified his cuts by calling the program ''nonperforming'' and not having ''a record of demonstrating results.'' Our State and local law enforcement agencies know better and we should listen to them.

The COPS Reauthorization Act would continue the COPS Program for another 6 years at a funding level of $1.15 billion per year. This funding would allow State and local governments to hire an additional 50,000 police officers over the next 6 years. In addition, the bill would modernize the COPS Program by authorizing $350 million in law enforcement technology grants to assist police departments in acquiring new technologies for the analysis of crime data and the examination of DNA evidence, among other uses. The COPS Reauthorization Act would also build upon the accomplishments of the original COPS Program by authorizing $200 million in community prosecutor grants. These grants would be used to hire community prosecutors trained to work at the local and neighborhood level to prevent crime and improve relations with residents.

At a time when we are asking more of our police departments than ever before, I believe we should be devoting more resources to the COPS Program, not less. The increased threat of terrorism as well as the continuing epidemic of gun violence underscores the

need for more resources for our law enforcement agencies. Recognizing this, we must build upon the past success of the COPS Program and continue to work to provide police departments with the tools and resources they need to help keep our families and communities safe.

## LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I 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 month, a fifth person was arrested and charged with beating up a teenager because of his sexual orientation. The victim, an 18-year-old from Virginia, was at a gathering at his cousin's home. Late that night, the five assailants repeatedly kicked and hit the victim with a chair because he was gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

## JUDICIAL NOMINATIONS AND THE NOMINATION OF MICHAEL SEABRIGHT

Mr. LEAHY. Mr. President, so far this year the Senate Republican leadership has called up one judicial nomination. That is right, despite the fact that other nominations are on the Senate Executive Calendar and ready to be confirmed, it is the Republican leadership of the Senate that is delaying action on judicial nominations.

When the Senate finally turned to the nomination of Paul Crotty to be a U.S. district court judge for the Southern District of New York on April 11, that nomination was confirmed 95 to 0. All Democrats present voted in favor of confirmation. Indeed, Senator SCHUMER and Senator CLINTON came to the floor to speak in favor of the nominee. That is the only judicial nomination Senate Republicans have been willing to consider all year. There has been no filibuster of judicial nominees. Instead, it is the Senate Republican leadership that, through its deliberate inaction, is keeping judgeships unnecessarily vacant for months. With the Crotty nomination, I was the one asking for months for the nomination to be considered, debated, voted on and confirmed.

At the time, I noted that another noncontroversial nomination was ready for Senate action. More than a week ago, I called upon the Republican leadership to proceed to the confirmation of Michael Seabright to the District Court of Hawaii. I renew that plea.

All Democrats on the Judiciary Committee have been prepared to vote favorably on this nomination for some time. We were prepared to report the nomination last year but it was not listed by the then-chairman on a committee agenda. I thank Chairman SPECTER for including Mr. Seabright at our meeting on March 17. The nomination was unanimously reported and has been on the Senate Executive Calendar for more than a month. It is Senate Republicans who are resisting a vote on this judicial nominee, not Democrats. I understand that Mr. Seabright has the support of both of his home State Senators, both distinguished and highly respected Democratic Senators.

Once confirmed, Mr. Seabright will be the 206th of 216 nominees brought before the full Senate for a vote to be confirmed. That means that 830 of the 875 authorized judgeships in the Federal judiciary, or 95 percent, will be filled. As late as it is in the year, we would still be back on pace with that set by the Republican majority in 1999, when President Clinton was in the White House. That year, the Senate Republican leadership did not allow the Senate to consider the first judicial nominee until April 15. Two judges were confirmed in April and the third was not confirmed until June.

Of the 46 judicial vacancies now existing, President Bush has not even sent nominees for 28 of those vacancies, more than half. I have been encouraging the Bush administration to work with Senators to identify qualified and consensus judicial nominees and do so, again, today. The Democratic leader and I sent the President a letter in this regard on April 5, but have received no response.

It is now the third week in April, we are more than one-quarter through the year and so far the President has sent only one new nominee for a Federal court vacancy all year—only one. Instead of sending back divisive nominees, would it not be better for the country, the courts, the American people, the Senate and the administration if the White House would work with us to identify, and for the President to nominate, more consensus nominees like Michael Seabright who can be confirmed quickly with strong, bipartisan votes?

I commend the Senators from Hawaii for their efforts to work cooperatively to fill judicial vacancies. I only wish Republicans had treated President Clinton's nominees to vacancies in Hawaii with similar courtesy. Had they, there would not have been the vacancies on the Ninth Circuit and on the district court. The work of the Senators from Hawaii is indicative of the type of bipartisan efforts Senate Democrats have made with this President and remain willing to make. We can work together to fill judicial vacancies with qualified, consensus nominees. The vast majority of the more than 200 judges confirmed during the last 3½ years were confirmed with bipartisan support.

The truth is that in President Bush's first term, the 204 judges confirmed were more than were confirmed in either of President Clinton's two terms, more than during the term of this President's father, and more than in Ronald Reagan's first term when he was being assisted by a Republican majority in the Senate. By last December, we had reduced judicial vacancies from the 110 vacancies I inherited in the summer of 2001 to the lowest level, lowest rate and lowest number in decades, since Ronald Reagan was in office.

The Hawaii judgeship at issue here has been vacant for more than 4 years, since December of 2000 when Judge Alan Kay took senior status. President Clinton made a nomination to that seat in advance of the vacancy, but the Republicans in control of the Senate refused to act on it. They preserved the vacancy for a Republican President.

In 2002, President Bush nominated James Rohlfing to the vacancy. That nomination failed, however, because in the view of his home State Senators and the American Bar Association, he was not qualified for the position. It took the White House more than two additional years to agree. Finally, in May 2004 that nomination was withdrawn by President Bush.

The administration finally got it right after consultation with the Hawaii Senators. The President sent Michael Seabright's name to the Senate last September. An outstanding attorney who has experience in private practice as well as a sterling reputation as an assistant U.S. attorney, Mr. Seabright merited consideration and swift confirmation. Despite his reputation as a law-and-order Republican, Republicans would not move on Mr. Seabright's nomination last Congress. The President took his time renominating Mr. Seabright and even then it took repeated requests to get his nomination included on the agenda of the committee. When he was considered on March 17 he was reported with unanimous support. Senate Democrats have long supported and requested action on this nomination.

I have been urging this President and Senate Republicans for years to work with all Senators and engage in genuine, bipartisan consultation. That process leads to the nomination, confirmation and appointment of consensus nominees with reputations for fairness. The Seabright nomination, the bipartisan support of his home State Senators, and the committee's action by a unaimous, bipartisan vote is a perfect example of what I have been urging.

I have noted that there are currently 28 judicial vacancies for which the President has delayed sending a nominee. In fact, he has sent the Senate

only one new judicial nominee all year. I wish he would work with all Senators to fill those remaining vacancies rather than through his inaction and unnecessarily confrontational approach manufacture longstanding vacancies. It is as if the President and his most partisan supporters want to create a crisis.

Over the last weeks we have heard some extremists call for mass impeachments of judges, court-stripping and punishing judges by reducing court budgets. Now we are seeing an effort at religious McCarthyism by which Republican partisans inject religion into these matters. Rather than promote crisis and confrontation, I urge this President to disavow the divisive campaign and do what most others have and work with us to identify outstanding consensus nominees. It ill serves the country, the courts and most importantly the American people for this administration and the Senate Republican leadership to continue down the road to conflict.

The Seabright nomination shows how unnecessary that conflict really is. Let us join together to debate and confirm these consensus nominees to these important lifetime posts on the federal judiciary.

It is the Federal judiciary that is called upon to rein in the political branches when their actions contravene the Constitution's limits on governmental authority and restrict individual rights. It is the Federal judiciary that has stood up to the overreaching of this administration in the aftermath of the September 11 attacks.

It is more and more the Federal judiciary that is being called upon to protect Americans' rights and liberties, our environment and to uphold the rule of law as the political branches under the control of one party have overreached. Federal judges should protect the rights of all Americans, not be selected to advance a partisan or personal agenda. Once the judiciary is filled with partisans beholden to the administration and willing to reinterpret the Constitution in line with the administration's demands, who will be left to protect American values and the rights of the American people?

The Constitution establishes the Senate as a check and a balance on the choices of a powerful President who might seek to make the Federal judiciary an extension of his administration or a wholly owned subsidiary of any political party. Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become known as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned. Eliminating the filibuster by the nuclear option would destroy the Constitution's design of the Senate as an effective check on the Executive. The elimination of the filibuster would reduce any incentive for a President to consult with home State Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but to an unchecked Executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong Federal judiciary and, ultimately, at their rights and freedoms.

## HYDROGEN AND FUEL CELL TECHNOLOGY ACT OF 2005

Mr. HARKIN. Mr. President, I am pleased to announce my support for an important piece of legislation recently introduced by Senator DORGAN and Senator GRAHAM, the Hydrogen and Fuel Cell Technology Act of 2005.

This legislation lays out a bold vision for the energy future of our Nation. It takes steps to secure the research, development, demonstration and market transition necessary to deliver on the tremendous promise of a ''hydrogen economy.''

The economy of this country today depends heavily on oil, much of which we must import from countries with hostile and dangerous regimes. This dependence on foreign oil threatens our national security, our economy and the environment. We must take the steps now to find alternative sources of energy and new ways of powering everything from cell phones to cars. This bill does exactly that.

The Hydrogen and Fuel Cell Technology Act funds the research and demonstration needed to develop key aspects of a reliable, renewable hydrogen economy. The bill incorporates language from the Hydrogen Passenger Vehicle Act, which I introduced earlier in this Congress to provide funding for projects to demonstrate the cost-effective production and distribution of hydrogen from renewable sources, such as ethanol. The bill also adopts several proposals from my Hydrogen and Fuel Cell Energy Act, including support for hydrogen transportation corridor demonstrations, such as the Upper Midwest Hydrogen Initiative.

This legislation will fund development of better fuel cell technology, of lighter, more efficient ways to store hydrogen on board vehicles, and of less expensive ways of converting renewable energy to hydrogen fuel.

It updates the language and sets clearer priorities for the existing hydrogen research program under the Matsunaga Act, and adds important demonstration, commercialization, and market driver mechanisms, using Federal Government procurement to help drive demand for new technology.

In order to be most effective, however, we will need to enact the tax incentives necessary to encourage widespread investment, production and utilization of hydrogen. Tax credits for fuel cell vehicles, for hydrogen fueling infrastructure, for hydrogen fuel from renewable sources, and for stationary and portable fuel cells should all be considered as part of a package of support for the hydrogen economy.

The measures proposed in this legislation will require a significant Federal investment in our energy future, but with these measures, we can use hydrogen and fuel cell technologies to realize our vision of cars that do not pollute, of power that will not go out, and of true energy security. I urge the support of my colleagues for this visionary legislation.

Mr. DORGAN. Mr. President, Senator HARKIN has shown great leadership in the effort to create a hydrogen fuel-cell economy and I welcome his support and look forward to working with him and other cosponsors as we move this legislation forward.

## 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. REED. Mr. President, I, along with the Armenians in Rhode Island and throughout the United States, as well as those around the world, recognize the 90th anniversary of the Armenian Genocide.

On the night of April 24, 1915, nationalists in the Ottoman Empire rounded up and executed 200 Armenian community leaders, sparking an 8-year campaign of tyranny that impacted the lives of every Armenian in Asia Minor. By 1923, an estimated 1.5 million Armenians were murdered, and another 500,000 were exiled.

The U.S. Ambassador to the Ottoman Empire, Henry Morganthau, Sr., unsuccessfully pleaded with President Wilson to act. Morganthau later remembered the events of the genocide. ''I am confident that the whole history of the human race contains no such horrible episode as this,'' the Ambassador wrote in his memoir. ''The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.''

Unfortunately, the United States, and the world, did not intervene.

Today, on the 90th Anniversary, I am proud to be one of 32 Senators who urged President Bush to refer to the mass murder of Armenians as genocide in his commemorative statement. Failing to do so, does not properly commemorate this tragedy. Accurate acknowledgment of this event in human history is a small, but necessary, step to take.

Today, dozens of Armenian soldiers are deployed to Iraq, carrying out humanitarian operations in Karbala and al-Hilla, working as truck drivers, bomb detonators, and doctors. Armenian soldiers are also serving in Kosovo, performing peace support operations. I believe their response of helping others in need is part of the healing process. These Armenians did not allow others to be left as helpless as they were generations ago.

As a Nation, we must respond to acts of oppression to ensure that victims of hatred and prejudice did not perish in vain. We must stand as witnesses to protect people from persecution for the simple reason they are different. Thus, we must be committed to properly remembering the Armenian Genocide.

Menk panav chenk mornar. (We will never forget.)

## MONTANA AIR NATIONAL GUARD

Mr. BAUCUS. The National Guard is proving to be the backbone of our efforts to protect America overseas, as they continue to play a pivotal role in homeland security. I saw this first hand 3 weeks ago when I spent a day working on the flight line with the 120th Fighter Wing of our Air National Guard in Great Falls, MT.

While doing pre-flight checks on F–16s and helping the ground crew with their maintenance tasks, I gained a new appreciation for the Guard's contribution to our communities.

Two-thirds of Montana's Air National Guard is made up of part-time citizen soldiers and their sacrifice is not going unnoticed. I am proud that I have the opportunity to reemphasize their contribution here today, in particular, since the Air Guard has recently made us very proud in Montana.

Under the leadership of Colonel Mark Meyer, our 120th Fighter Wing has been honored with three national awards for 2004—the Air Force Outstanding Unit Award, the Outstanding Security Forces Squadron of the Year Award, and the Maintenance Group Effectiveness Award.

The Air Force Outstanding Unit Award recognizes the exemplary achievements of the entire 120th Fighter Wing. On short notice the Wing deployed more than 200 airmen to the 332nd Air Expeditionary Wing at Balad Air Base, Iraq, in support of Operation Iraqi Freedom, and at home they activated 185 people to fight Montana's second largest wildfire season on record.

The Air Force also bestowed an award on the Wing's Security Forces squadron, under the direction of Squadron Commander Major Donald Mahoney. They were honored with the Air National Guard Security Forces Unit Award.

Among their standout achievements was the logistical support they provided to the South Dakota Air National Guard Security Forces while their members conducted field training exercises at Fort Harrison in Helena. And, once again, our guardsmen operated on short notice.

Their Combat Arms Specialists performed weapons qualifications for over 300 personnel in support of Operation Iraqi Freedom. They completed these tasks while protecting the Northern border between Montana and Canada and collaborating with Montana's local, civil, and military emergency services agencies.

Under the leadership of Maintenance Commander Lieutenant Colonel Kendall Switzer, the members of the 120th Fighter Wing Maintenance Group earned the Air National Guard's Maintenance Effectiveness Award for their extraordinary aircraft maintenance.

Their hard work and expertise supported three important missions: Operation Iraqi Freedom, the Alert Detachment at March Air Reserve base in California, and the Combat Air Patrol Missions of Operation Nobel Eagle.

I offer a tremendous ''Well Done'' to the Air National Guard. Thank you to your families, friends, employers and communities. The nation appreciates you and in Montana we are proud of our 120th Fighter Wing.

Congratulations!

## EARTH DAY 2005

Mr. FEINGOLD. Mr. President, not many people can lay claim to a day, but Gaylord Nelson can. On April 22, 1970, Gaylord Nelson created a day to celebrate the glory of the Earth. Nelson biographer Bill Christofferson asks ''Where did Nelson get his lifelong interest and dedication to the environment? By osmosis, [Nelson] would say, while growing up in Clear Lake Wisconsin.''

It's true that Wisconsin has a tradition of great conservationists, Aldo Leopold, author of Sand County Almanac; Sigurd Olson, one of the founders of the Wilderness Society; and John Muir, founder of the Sierra Club. But because of Gaylord Nelson, Wisconsin can lay claim to the genesis of Earth Day, a day of national and international remembrance of the importance of our natural resources and a clean environment.

While these great leaders are well known for their conservation vision, Wisconsinites across the State do their part every day to make that vision a reality. From the backyards and parks of our cities and suburbs to our forests and farms, we take our stewardship of the land seriously. For example, our farmers continue to work with the support of Federal, State and local partnerships to prevent pollution, improve wildlife habitat, and protect wetlands and open spaces, investing millions of dollars in hundred of thousands of acres each year, all while ensuring the land is healthy enough to produce food and raw materials for generations to come.

I know that the people of Wisconsin, living in such a beautiful and ecologically diverse State, feel a special connection to our natural resources and share a long tradition of our State government achieving excellence in its conservation policies. Conservation is part of our culture in Wisconsin, and the people in Wisconsin are very environmentally savvy. Every year I hold a town hall meeting in each one of Wisconsin's 72 counties, and protecting the environment is a top issue.

I want to take this opportunity to congratulate Mr. Nelson. He is a former member of this body, and I am privileged to hold his Senate seat. He is a distinguished former Governor of the State of Wisconsin, a recipient of the Presidential Medal of Freedom, and a personal hero of mine. I salute Gaylord Nelson for changing the consciousness of a Nation. He is the living embodiment of the principle that one person can truly change the world.

During his 18 years of service in the Senate, Gaylord Nelson brought about significant change for the ''greener'' in both our Nation's law and the institution of the Senate itself. He is the coauthor of the Environmental Education Act, which he sponsored with the senior Senator from Massachusetts, Mr. KENNEDY, and the Wild and Scenic Rivers Act, and he sponsored the amendment to give the St. Croix and the Namekagon Rivers scenic protection. In the wake of Rachel Carson's book Silent Spring, Gaylord Nelson, along with Senator Philip Hart of Michigan, directed national attention to the documented persistent bioaccumulative effects of organochlorine pesticides used in the Great Lakes by authoring the ban on DDT in 1972. He was the primary sponsor of the Apostle Islands National Lakeshore Act, protecting one of northern Wisconsin's most beautiful areas.

And Senator Nelson, of course, was the founder of Earth Day. Thanks to him, here we are 35 years later taking time out of our lives to think about conservation. An astonishing 20 million Americans, 10 percent of the U.S. population, participated in the first observance of Earth Day on April 22, 1970. American Heritage magazine described the event as ''one of the most remarkable happenings in the history of democracy.'' The day was marked by marches, rallies, teach-ins, and concerts. Fifth Avenue was closed for 2 hours and over 100,000 people celebrated Earth Day on Union Square in New York City.

Earth Day is an event that in addition to changing the environmental consciousness of the country literally stopped the Senate. Members of both bodies voted to adjourn their respective Houses in the middle of the legislative week to attend Earth Day events, an adjournment that would be extremely rare today. Twenty-two Senators participated by giving Earth Day speeches across the country. The National Education Association, NEA, estimated that 10 million school children celebrated in the first Earth Day. The States of New Jersey and New York created State environmental agencies that week.

Earth Day has become an important part of who we are. From Milwaukee,

WI, to Mumbai, India, millions of people across the world are taking Senator Nelson's legacy to heart. They are volunteering tomorrow and this weekend to conserve the environment whether it is in their backyard, local river, or park.

I hope that on this Earth Day 2005, the Congress will re-dedicate itself to achieving the bipartisan consensus on protecting the environment that existed for nearly 2 decades. The Clean Water Act, for example, passed the Senate in 1971 by a vote of 86–0. When President Nixon vetoed it, the Senate overrode his veto, 52–12. The Endangered Species Act, which is under such attack right now, was passed by the Senate on a 92–0 vote in 1973.

Unfortunately, in recent years we have faced numerous proposals to roll back the environmental and health and safety protections upon which Americans depend. From clean water to clean air, the list of environmental rollbacks is stunning and disturbing. We need to work together to protect the environment, not revert to the times when we saw the Cuyahoga River catch fire, when at least one of the Great Lakes was considered ''ecologically dead,'' and when dumping of toxic wastes into rivers was standard operating procedure.

Gaylord Nelson stated on the 30th Anniversary of Earth Day:

We have finally come to understand that the real wealth of a nation is its air, water, soil, forests, rivers, lakes, oceans, scenic beauty, wildlife habitats, and biodiversity. Take this resource away, and all that is left is a wasteland. That's the whole economy. That is where the economic activity and all the jobs come from. These biological systems contain the sustaining wealth of the world.

As we continue to degrade them, we are consuming our capital. And in the process, we erode our living standards and compromise the quality of our habitat. We are veering down a dangerous path. We are not just toying with nature; we are compromising the capacity of natural systems to do what they need to do to preserve a livable world.

Last night, Senator Nelson issued a statement to mark the 35th anniversary of Earth Day and calling Earth Day 2005 ''a wake up call.'' Senator Nelson said:

On environmental issues, our intelligence is reliable. Our scientists have the facts, if we will only listen. It is a ''slam dunk'' that we cannot continue on our present course. But without Presidential and Congressional leadership, even an enlightened public cannot cope with the greatest challenge of our time.

I agree with this assessment, and I ask unanimous consent that the full text of Senator Nelson's 35th anniversary of Earth Day statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EARTH DAY ANNIVERSARY 2005—A WAKE UP CALL

The 35th anniversary of Earth Day is a sobering occasion. On previous anniversaries we have hailed this ''new awakening'' as millions around the world suddenly rose up and pledged their support for a new campaign to save the natural environment.

In 1993 American Heritage magazine called Earth Day ''one of the most remarkable happenings in the history of democracy.'' There has been progress, of course, particularly in public awareness of the critical role environment plays in our lives and in the education and training of new environmental leaders. Environment has become a major political issue. The public is prepared to support those measures necessary to forge a sustainable society, if the President and the Congress have the vision to lead us to that goal.

Unfortunately, the President and the Congress have not stepped up to the challenge of providing national and world leadership on the environmental crisis.

In fact, on some key issues, they are actually resisting or reversing progress made in the past 30 to 40 years. And without strong, sustained leadership from the President and Congress, the urgent challenge to protect the environment and create a sustainable society cannot succeed. Theodore Roosevelt made conservation a top priority for the Republican party, and many members of his party carried that torch over the years. Recently, however, the GOP leadership has abandoned this cause.

There are many serious environmental problems confronting us. But two current environmental issues dramatize this failure of leadership—energy conservation, and population control. Both are critical to the sustainability of our society. In each case, there is not only a lack of wise national leadership but an apparent determination to turn back the clock. The surrender to special interests on these two issues makes a mockery of any claim to environmental awareness.

Egged on by the President, the Senate on March 16 sneaked into the annual budget resolution a scheme to allow drilling for oil in the pristine Arctic National Wildlife Refuge, protected in 1960 at the urging of great environmentalists such as Sigurd Olson, Justice William O. Douglas, and Wilderness Act author Howard Zahniser. The bill was signed by President Eisenhower.

This is not just a sabotage of environmental policy. It also undermines any hope for a wise energy policy. When all the evidence calls for bold steps to conserve energy and develop alternative sources, this cynical action implies that we can burn all the oil we want and just move on to the next untapped source, no matter where it might be.

We are told it may be 10 years before a very modest amount of oil could be produced from this pristine refuge. And what would it cost in real terms?

For the President to call for oil drilling in the Arctic Wildlife Refuge is like burning the furniture in the White House to keep the First Family comfortable.

Equally critical is the failure of the President and Congress to confront the issue of population control, in our own rapidly growing country and the rest of the world.

A ''Rockefeller Report'' in 1972, issued by the President's commission on population growth, urged the U.S. to move vigorously to stabilize our population at about 200 million as rapidly as possible. Since then our population has ballooned to 282 million, and is expected to reach 500 million between 2060 and 2070. We are heading into a century in which we will double and triple our population in a short time.

Worldwide population projections are equally chilling. A series of international conferences have called for bold action to control population growth.

Yet the United States in recent years has become an aggressive opponent of family planning programs in other countries, and we are now facing efforts by some ''new conservatives'' to impose similar restrictions at home.

On previous Earth Days we have offered a solution: The President should set the standard by delivering a message to the Congress on the state of the environment, citing priorities that need to be addressed. Congress then should hold hearings on these issues. This would produce a ''national dialogue'' on the sustainability of our environment, and provide a roadmap to the future.

Without Presidential leadership and Congressional hearings, we cannot claim to be taking seriously the most compelling threats facing our society.

On environmental issues, our intelligence is reliable. Our scientists have the facts, if we will only listen. It is a ''slam dunk'' that we cannot continue on our present course. But without Presidential and Congressional leadership, even an enlightened public cannot cope with the greatest challenge of our time.—Gaylord Nelson, Washington, DC, April, 2005.

Mr. FEINGOLD. I hope that Wisconsinites and citizens across America take Senator NELSON's words to heart. I hope that they use this Earth Day to collect their thoughts and voice their opinions about the need to protect the environment and need for Congressional leadership on this issue.

Wisconsinites value a clean environment, not just for purely aesthetic or philosophical purposes, but because a clean environment ensures that Wisconsin and the United States as a whole remains a good place to raise a family, start a business, and buy a home. We understand that by protecting our environment we are protecting our economy. And, it is important on this Earth Day 2005 that we continue to fight for strong environmental laws, and we press for strong environmental leadership in Congress. Let's continue to move forward, not roll back.

## TAXPAYER PROTECTION AND ASSISTANCE ACT

Mr. BINGAMAN. Mr. President, on Monday, April 18, 2005, I introduced S. 832, the Taxpayer Protection and Assistance Act of 2005.

I ask unanimous consent to have printed in the RECORD explanatory language to accompany that legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF TAXPAYER PROTECTION AND ASSISTANCE ACT

(1) LOW-INCOME TAXPAYER CLINICS

Present Law. The Internal Revenue Code (the ''Code'') provides that the Secretary is authorized to provide up to $6 million per year in matching grants to certain low-income taxpayer clinics. Eligible clinics are those that charge no more than a nominal fee to either represent low-income taxpayers in controversies with the IRS or provide tax information to individuals for whom English is a second language (''controversy clinics''). No clinic can receive more than $100,000 per year.

A ''clinic'' includes (1) a clinical program at an accredited law, business, or accounting

school, in which students represent low-income taxpayers, or (2) an organization exempt from tax under Code section 501(c) which either represents low-income taxpayers or provides referral to qualified representatives.

Explanation of Provision. The provision authorizes $10 million in matching grants for low-income taxpayer return preparation clinics (''preparation clinics''). These clinics may provide tax return preparation and filing services to low-income taxpayers, including those for whom English is a second language. The authorization of $6 million for low-income controversy clinics under present law is also increased to $10 million.

The provision expands the scope of clinics eligible to receive preparation clinic grants to encompass clinics at all educational institutions. The provision prohibits the use of grants for overhead expenses at both controversy clinics and preparation clinics. The provision also authorizes the IRS to use mass communications, referrals, and other means to promote the benefits and encourage the use of low-income controversy and preparation clinics.

Effective Date. The provision is effective for grants made after the date of enactment.

(2) ENROLLED AGENTS

Present Law. The Secretary is authorized to regulate the practice of representatives of persons before the Department of the Treasury. Circular No. 230, promulgated by the Secretary, provides rules relating to practice before the Department of the Treasury by attorneys, certified public accountants, enrolled agents, enrolled actuaries, and others.

Explanation of Provision. The provision adds a new section to the Code permitting the Secretary to prescribe regulations to regulate the conduct of enrolled agents in regard to their practice before the IRS and to permit enrolled agents meeting the Secretary's qualifications to use the credentials or designation ''enrolled agent'', ''EA'', or ''E.A.''.

Effective Date. The provision is effective on the date of enactment.

(3) REGULATION OF PRACTICE BEFORE THE DEPARTMENT OF THE TREASURY

Present Law. The Secretary of the Treasury is authorized to regulate the practice of representatives of persons before the Department of the Treasury. The Secretary is also authorized to suspend or disbar from practice before the Department a representative who is incompetent, who is disreputable, who violates the rules regulating practice before the Department, or who (with intent to defraud) willfully and knowingly misleads or threatens the person being represented (or a person who may be represented). The rules promulgated by the Secretary pursuant to this provision are contained in Circular 230. Although permitted by statute, the preparation and filing of tax returns and other submissions (absent further involvement) has not been considered within the scope of these Circular 230 provisions.

Reasons for Change. In her 2003 annual report to the Congress, the National Taxpayer Advocate noted that over 55 percent of the 130 million U.S. individual taxpayers paid a return preparer to prepare their 2001 Federal income tax returns and that of the 1.2 million known tax return preparers, one-quarter to one-half are not regulated by any licensing entity or subject to minimum competency requirements. Fifty-seven percent of the earned income credit overclaims were attributable to returns prepared by paid preparers.

Tax practitioners play an important role in the tax system. While certain individuals authorized to practice before the IRS are already subject to oversight, many are not. For those taxpayers who use a paid tax practitioner, compliance with the tax laws hinges on the practitioners competence and ethical standards. The IRS's lack of oversight over such practitioners therefore contributes to noncompliance. Further, improving the accuracy of tax returns at the front-end of the process, should reduce government burden and intrusion on taxpayers through enforcement.

Requiring regulation of individuals preparing Federal income tax returns and other documents for submission to the IRS will improve the fairness and administration of the tax system. Testing, education, ethical training, and effective oversight of enrolled preparers are critical elements to improving tax compliance.

Description of Proposal. The proposal expands the Secretary's authority to regulate representatives practicing before the Treasury to include individuals preparing for compensation Federal income tax returns and other submissions to the IRS (''enrolled preparers''). The types of practitioners authorized to practice before the IRS that are subject to oversight under regulations in effect on the date of enactment of the proposal are excluded from the regulations establishing eligibility requirements for compensated preparers (i.e., Enrolled Agents, Certified Public Accountants, and attorneys).

The Secretary of the Treasury is required to issue regulations no later than one year after the date of enactment establishing eligibility requirements for enrolled preparers to practice before the Treasury. Such regulations will require the initial registration of enrolled preparers, as well as a process for regularly renewing the initial registration. Enrolled preparers renewing their registration shall be required to establish completion of continuing education requirements in a manner set forth by the Treasury in regulations. The Secretary is expected to minimize the burden and cost on those subject to the registration requirement to the extent feasible. Thus, the Secretary is authorized to define the scope of the registration requirement in a manner that accomplishes this goal.

The proposal requires the Secretary to develop and administer an examination to establish the competency of enrolled preparers. The examination for the enrolled preparers should test the applicant's technical knowledge to prepare Federal tax returns and knowledge of ethical standards. Moreover, the examination shall be designed to include testing on technical issues with high rates of erroneous reporting, such as claims for the earned income credit. The Secretary is authorized to contract for both the development and administration of any examination. The contract authority includes allowing the Secretary to establish the parameters that the examination must meet and authorize the use of an examination that is not, however, developed or administered by the IRS. Further, efficiencies will be gained by coordinating the examination requirement with the enrolled agent exam (the Special Enrollment Examination (SEE)).

To enhance the regulation of practice before Treasury, the proposal establishes the Office of Professional Responsibility within the IRS under the supervision and direction of the Director, an official reporting directly to the Commissioner, IRS. The Director, Office of Professional Responsibility will be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service, or, if higher, at a rate fixed under the critical pay authority established under section 9503 of title 5. The proposal also authorizes the Secretary to appoint administrative law judges to conduct hearing of sanctions imposed on representatives practicing before the Treasury and allows transparent proceedings involving practitioners to provide accountability for both the practitioners and the discipline authority (i.e., the IRS).

The Secretary may impose fees for the registration and renewal of enrolled preparers. The proposal provides that the fees paid for registration and renewal shall be available to the Office of Professional Responsibility for the purpose of reimbursing the costs of administering and enforcing rules promulgated by the Secretary regulating practice before the Treasury.

The proposal also provides that the Secretary shall conduct a public awareness campaign to encourage taxpayers to use only those professionals who establish their competency under the regulations promulgated under section 330 of title 31. The public awareness campaign shall be conducted in a manner to inform the public of the registration requirements imposed on enrolled preparers and the general requirement that preparers must sign the return and provide their registration number on the return.

The proposal increases the penalties on tax return preparers who fail to sign a return or fail to provide an identifying number on a return from $50 to $500 per return. In addition, amounts collected from the imposition of penalties under section 6694 and 6695 or under the regulations promulgated under section 330 of title 31 shall be directed to the Office of Professional Responsibility for the administration of the public awareness campaign. The proposal also permits the Secretary to use any funds specifically appropriated for earned income credit compliance to improve compliance with the rules regulating practice before the Treasury.

Effective date. The provision is effective on the date of enactment.

(4) REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS

Present Law. The Secretary of the Treasury is authorized to regulate the practice of representatives of persons before the Department of the Treasury. The rules promulgated by the Secretary pursuant to this provision are contained in Circular 230. In general, the preparation and filing of tax returns (absent further involvement) has not been considered within the scope of these Circular 230 provisions.

The tax code also imposes penalties on persons who fail to follow various tax code requirements in the process of preparing and filing tax returns on behalf of taxpayers. Present law does not contain any provision regulating the conduct of persons who provide refund anticipation loans to individual taxpayers in connection with the filing of tax returns.

Reasons for Change. There is concern with the use of tax refunds and the IRS's direct deposit indicator acknowledgement as a means for selling refund anticipation loans to taxpayers, particularly low-income taxpayers. Requiring regulation of refund anticipation loan facilitators will increase the ability of the IRS to hold such facilitators accountable. Increasing the information that must be disclosed, both orally and in writing, to the taxpayer in connection with a refund anticipation loan will heighten taxpayer awareness of the true costs and consequences of a refund anticipation loan.

Description of Proposal. The proposal requires the annual registration of refund loan facilitators with the Secretary of the Department of the Treasury. A refund loan facilitator is any person who originates the electronic submission of income tax returns for another person and, in connection with the electronic submission, solicits, processes, or otherwise facilitates the making of

a refund anticipation loan to the individual taxpayer on whose behalf the tax return is submitted. It is intended that the Secretary, in promulgating regulations under this proposal, will require refund loan facilitators to submit an annual application that includes the name, address, and TIN of the applicant and a schedule of the applicant's fees for such year.

The proposal requires refund loan facilitators to disclose to taxpayers, both orally and in writing, that they may file an electronic tax return without applying for a refund anticipation loan and the cost of filing such an electronic return compared to the cost of the refund anticipation loan. In addition, the proposal requires refund loan facilitators to disclose to taxpayers all fees and interest charges associated with a refund anticipation loan and provide a comparison with fees and interest charges associated with other types of consumer credit, as well as fees and interest charges for similar refund anticipation loans. Refund loan facilitators also must disclose to taxpayers the expected time within which tax refunds are typically paid based on different filing options, the risk that the full amount of the refund may not be paid or received within the expected time, and additional costs the taxpayer may incur in connection with the refund anticipation loan if the tax refund is delayed or not paid.

In addition to the above disclosure requirements, refund loan facilitators must disclose to taxpayers whether the refund anticipation loan agreement includes a debt collection offset arrangement. Debt collection offsets are arrangements between refund loan facilitators and a taxpayer's creditor to offset the taxpayer's expected refund against an outstanding liability owed to the creditor. There is concern with the potential abuse of individual taxpayers through the use of such arrangements by refund loan facilitators. To discourage their use, refund loan facilitators must fully disclose to taxpayers any arrangements to offset a taxpayer's expected refund against an outstanding liability. The Secretary is authorized to require refund loan facilitators to disclose any other information deemed necessary. The provision does not preempt state laws or political subdivision thereof.

The proposal permits the Secretary to impose monetary penalties on refund loan facilitators who fail to meet the registration or disclosure requirements, unless such failure was due to reasonable cause. The penalty for failure to register is not to exceed the gross income derived from all refund anticipation loans during the period the refund loan facilitator was not registered. The penalty for failure to disclose the information required by the proposal is not to exceed the gross income derived from all refund anticipation loans with respect to which the refund loan facilitator failed to provide the required disclosure information. The proposal also permits the Secretary to disclose the name of or penalty imposed upon any refund loan facilitator who fails to meet the registration or disclosure requirements.

The proposal provides that the Secretary shall conduct a public awareness campaign to educate the public on the costs associated with refund anticipation loans, including the costs as compared to other forms of credit. The public awareness campaign shall be conducted in a manner that educates the public on making sound financial decisions with respect to refund anticipation loans. Amounts collected from the imposition of penalties on refund loan facilitators shall be directed to the IRS for the administration of the public awareness campaign.

Effective date. The proposal is effective on the date of enactment.

(5) TAXPAYER ACCESS TO FINANCIAL INSTITUTIONS

Present Law. A large number of individual taxpayers do not have bank accounts. Because of this, these taxpayers are unable to participate fully in electronic filing, because IRS cannot electronically transmit to them their tax refunds.

Reasons for Change. Effectiveness of tax incentives and assistance programs are diminished when individuals do not have an account at a financial institution. For example, the benefits received through the Earned Income Tax Credit incentive diminishes when taxpayers redirect their tax refund in exchange for a refund anticipation loan. In contrast, if such taxpayers had an account at an insured financial institution, such tax refund could be directly deposited into the taxpayer's account without a reduction for fees paid to a refund anticipation loan facilitator.

Between 25 and 56 million adults are do not have an account with an insured financial institution. These individuals rely on alternative financial service providers to cash checks, pay bills, send remittances, and obtain credit. Many of these individuals are low- and moderate-income families. Promoting the establishment of accounts with an insured financial institution will allow the taxpayer to keep more of his or her tax refund and encourage savings.

Description of Proposal. The proposal authorizes the Secretary of the Department of the Treasury to award demonstration project grants (totaling up to $10 million) to eligible entities to provide tax preparation assistance in connection with establishing an account in a federally insured depository institution for individuals that do not have such an account. Entities eligible to receive grants are: tax-exempt organizations described in section 501(c)(3), federally insured depository institutions, State or local governmental agencies, community development financial institutions, Indian tribal organizations, Alaska native corporations, native Hawaiian organizations, and labor organizations.

The provision requires the Secretary, in consultation with the National Taxpayer Advocate, to study the delivery of tax refunds through debit cards or other electronic means, in addition to those methods presently available. The purpose of the study is to assist those individuals who do not have access to financial accounts or institutions to obtain access to their tax refunds. The Secretary shall submit a report to Congress with the results of the study not later than one year after the date of enactment.

Effective Date. The proposal is effective on the date of enactment.

(6) USE OF PRACTITIONER FEES

Present Law. The Tax Court is authorized to impose on practitioners admitted to practice before the Tax Court a fee of up to $30 per year. These fees are to be used to employ independent counsel to pursue disciplinary matters.

Explanation of Provision. The provision provides that Tax Court fees imposed on practitioners also are available to provide services to pro se taxpayers who may not be familiar with Tax Court procedures and applicable legal requirements. Fees may be used for education programs for pro se taxpayers.

Effective Date. The provision is effective on the date of enactment.

## ADDITIONAL STATEMENTS

### TRIBUTE TO FIRST MISSIONARY BAPTIST CHURCH OF LITTLE ROCK

● Mrs. LINCOLN. Mr. President, I rise today to honor one of the oldest houses of worship in Arkansas. This month the First Missionary Baptist Church of Little Rock, AR, will celebrate its 160th anniversary.

The First Missionary Baptist Church was founded in 1845 by Wilson Brown, a slave, who felt led by God to establish a house of worship. In order to fully understand this remarkable achievement we must look at the era in which this church was founded.

First Missionary Baptist Church was established 15 years before the Civil War began and 18 years before the Emancipation Proclamation. Men and women of African descent during those times were viewed as property and had no legal rights. It certainly took courage and vision to establish a church under such circumstances.

Over the years, the First Missionary Baptist Church family has been a witness to history. Many important figures of the civil rights movement have stood in First Missionary's pulpit to deliver stirring messages.

Reverend Roland Smith, the church's fifth pastor, was active in the civil rights movement and invited powerful leaders such as Dr. Benjamin Elijah Mays and Dr. Martin Luther King, Jr. to speak from the pulpit. Dr. King spoke in April 1963, just 4 months before the ''March on Washington'', and his famous ''I have a dream'' speech. The podium and bible he used that day are still on display in the vestibule of the church sanctuary.

In 1991, the church hosted another great leader, the Governor of Arkansas Bill Clinton. A few short months later Gov. Clinton launched his bid to become President of the United States. I guess you might say that the pulpit at First Missionary Baptist Church is a launching pad to greatness.

Although First Missionary Baptist Church has great historical significance, its spiritual significance is most important. For 160 years, this church has been a beacon of hope and a spiritual oasis to thousands of Arkansans. This church has worked hard to fulfill the calling of Christ spoken of in the 4th chapter of Luke—to preach the gospel to the poor; to heal the brokenhearted; to preach deliverance to the captives; and recovering of sight to the blind; to set at liberty them that are bruised, to preach the acceptable year of the Lord. In the end, that is First Missionary Baptist Church's greatest legacy.●

### ONCOLOGY NURSING SOCIETY

● Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to oncology nurses. May 1 marks the beginning of the 10th annual Oncology Nursing Day and Month and this year marks the

30th Anniversary of the Oncology Nursing Society.

As co-chair of the Senate Cancer Coalition, I would like to recognize that oncology nurses play an important and essential role in providing quality, comprehensive cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer—or who has a loved one who has been treated—will tell you, oncology nurses provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our Nation's cancer care delivery system.

The Oncology Nursing Society is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals. Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care.

The Oncology Nursing Society has 19 chapters in my home State of California, which support our oncology nurses in their ongoing efforts to provide outstanding quality cancer care to patients and their families throughout our State.

Cancer is a complex, multifaceted and chronic disease. Each year in the United States, approximately 1.37 million people are diagnosed with cancer, another 570,000 lose their battles with this terrible disease, and more than 8 million Americans count themselves among a growing community known as cancer survivors.

In 2005, the American Cancer Society estimates that in the State of California there will be 135,030 new cancer diagnoses, and 56,090 cancer deaths. At the same time, in 2005, the Health Resources and Services Administration, HRSA, estimates that in the State of California there will be a shortage of 18,409 nurses or a ten percent unmet need for nurses overall.

We must do more as a Nation to prevent and reduce suffering from cancer and to support the oncology nursing workforce.

Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Over the last ten years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all cancer patients receive care in community settings, including cancer centers, physicians' offices, and hospital outpatient departments. Oncology nurses are involved in the care of a cancer patient from the beginning through the end of treatment, and they are the front-line providers of care by administering chemotherapy, managing patient therapies and side-effects, and providing counseling to patients and family members.

I thank all of our Nation's oncology nurses for their dedication to our Nation's cancer patients, especially those who care for cancer patients in California. I commend the Oncology Nursing Society for all of its efforts and leadership over the last 30 years and congratulate its leaders and members on its 30th Anniversary. The Oncology Nursing Society has contributed immensely to the quality and accessibility of care for all cancer patients and their families, and I urge my colleagues to support the Society and oncology nurses in their important endeavors.●

## TRIBUTE TO JOHN ED WILLOUGHBY

● Mr. SHELBY. Mr. President, I rise today to pay tribute to a good friend who recently retired after three decades on the radio. John Ed Willoughby, who has been a familiar voice on WAPI-AM 1070s morning talk-radio show, ''The Breakfast Club,'' signed off on April 15, 2005. John Ed's last day on the air was the 30th anniversary of his first day on the air: April 15, 1975. Over the years, I had many opportunities to join John Ed on the air, and I always appreciated his candid, honest, and humorous demeanor.

John Ed was born February 3, 1935, in Birmingham, AL. He attended West End High School, where he excelled on the athletic field as quarterback of the football team, and captain of the baseball and basketball teams.

He attended the University of Alabama in Tuscaloosa, which is where our friendship began. We met as students at the University of Alabama, and it was there that we both served as members of the Delta Chi fraternity.

His radio career began in 1975 on WSGN radio with cohost Tommy Charles. The duo was an instant success and became Birmingham's top rated radio morning show for 8½ years. John Ed and Tommy then moved to WVOK-AM/WQUS-FM for a short time before going to WERC radio in 1985. They were a talk radio force to be reckoned with, remaining No. 1 in Birmingham, until Tommy's passing in 1996. Following Tommy's death, Doug Layton joined John Ed and they stayed on the air until February of 1998. In June of 1998, John Ed joined his son, J Willoughby and Scott Michaels for a morning show devoted to talk radio on WAPI-AM called ''The Breakfast Club.'' He would finish out his career at WAPI.

I have had the pleasure of being interviewed by John Ed numerous times over the years. Whether it was in-studio in Birmingham, in Washington during one of his visits, or over the phone, John Ed has been informative and fair. His listeners could count on a funny and enlightening show every morning.

John Ed is blessed with a wonderful family. I suspect that his newfound free time will give him the opportunity to enjoy more time with his wife Jean, son J, daughter-in-law Kim and granddaughter Samantha Jean. Incidentally, J Willoughby has assumed the reins from his father, and is on the air with Richard Dixon.

John Ed has been a great friend to me and a familiar and loyal voice to so many in Alabama. He will be greatly missed by his devoted listeners, but I am certain they join me in wishing him the very best as he embarks on many new endeavors.●

## IN RECOGNITION OF DR. PAUL W. DOERRER

● Mr. BOND. Mr. President, it is a privilege today to bring to the attention of my colleagues the accomplishments of Dr. Paul W. Doerrer, the 2005 recipient of the Missouri Association of School Administrators' Robert L. Pearce Award. The Pearce Award is the most prestigious honor that can be bestowed on a school superintendent in the State of Missouri, particularly so because the honoree is selected by a committee of peers.

The Ritenour School District in St. Louis County has been fortunate to have the leadership skills of Dr. Doerrer for the past 35 years. The Missouri Legislature and State board of education were in the forefront and enacted standards-based education long before the passage of No Child Left Behind. In fact, the standards set in Missouri are among the highest in the Nation. Under the able instructional leadership of Dr. Doerrer, the Ritenour School District has not only met but in many cases has exceeded the rigorous goals our State has set for student achievement of adequate yearly progress. In addition, under Dr. Doerrer's able leadership, the Ritenour School District was recently named as one of the ''Best Places to Work'' by the St. Louis Business Journal.

Dr. Doerrer has truly exemplified instructional leadership in our State. Whether it is staff development, instructional technology, human resources, or data driven decision-making, Dr. Doerrer has provided the vision and energy that has brought distinction to the Ritenour School District. It is with admiration that I honor Dr. Doerrer today and congratulate him as the 19th recipient of the Robert L. Pearce Award.●

## ATTACHÉ SHOW CHOIR

● Mr. LOTT. Mr. President, the Attaché Show Choir from Clinton High School in Clinton, MS, is celebrating 25 years of excellence and has gained national recognition as the premier show choir in the country for its outstanding winning tradition. The Clinton High School Attaché Show Choir was formed in September 1980 by Winona Costello. Since 1992, the award winning Attaché

Show Choir has been under the direction of David and Mary Fehr who truly have a passion for excellence.

Since 1980, Attaché has established a winning tradition by capturing 52 Grand Champion titles, 5 second place titles, and 4 third place titles in 64 competitions during the last 25 years at prestigious competitions throughout the Nation. Nationally, Attaché has achieved unprecedented recognition and has received numerous awards through the years for Best Vocals, Best Choreography, Best Overall Effect, Most Creative Show, Best Show Design, Best Repertoire, Best Costume Design, Best Visuals, Best Instrumental Combo, Best Rhythm Section, and Best Brass Section competing against choirs from all over the Nation. In its last 35 competitions dating back to the 1995/1996 season, Attaché has captured the Grand Champion title 33 times. During the last 15 consecutive competitions, Attaché has captured Grand Champion titles and therefore, has the longest grand champion winning streak of any show choir in the Nation.

In the last 10, Attaché has had the privilege of hosting a number of competitions, including Showstoppers Invitational in Orlando, FL, and Show Choir Nationals in Nashville, TN, where they also performed the opening number at the Grand Ole Opry in March 2005. During the 2005 competition season, Attaché captured Grand Champion titles at the 10th Anniversary Fame Show Choir Cup in Branson, MO; the Fame Show Choir America in Orlando, FL; the Petal Invitational in Petal, MS and the Buchanan Invitational in Troy, MO.

Attaché has gained extensive praise and accolade for their remarkable talent, phenomenal showmanship, and extraordinary success. It is with great pride to recognize the contributions of this nationally known musical group which has brought honor to its school, its community, and to the State of Mississippi.●

## 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

At 1:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 504. An act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the ''Ray Charles Post Office Building''.

H.R. 1001. An act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the ''Sergeant Byron W. Norwood Post Office Building''.

H.R. 1072. An act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the ''Judge Emilio Vargas Post Office Building''.

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. 126. Concurrent resolution expressing the condolences and deepest sympathies of the Congress in the aftermath of the recent school shooting at Red Lake High School in Red Lake, Minnesota.

## ENROLLED BILL SIGNED

At 4:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 167. An act to provide for the protection of intellectual property rights, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 504. An act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the ''Ray Charles Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1001. An act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the ''Sergeant Byron W. Norwood Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1072. An act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the ''Judge Emilio Vargas Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 126. Concurrent resolution expressing the condolences and deepest sympathies of the Congress in the aftermath of the recent school shooting at Red Lake High School in Red Lake, Minnesota; to the Committee on the Judiciary.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 870. A bill to prohibit energy market manipulation.

S. 871. A bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes.

S. 872. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 873. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

S. 874. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1833. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Benoxacor; Partial Grant and Partial Denial of Petition, and Amendment of Tolerance to Include S-Metolachlor'' (FRL No. 7709–2) received April 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1834. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propiconazole; Re-Establishment of Tolerance for Emergency Exemption'' (FRL No. 7709–3) received April 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1835. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spiromesifen; Pesticide Tolerance'' (FRL No. 7705–1) received April 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1836. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tetraconazole; Time-Limited Pesticide Tolerance'' (FRL No. 7702–4) received April 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1837. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Addition to Quarantined Areas'' (Docket No. 04–130–2) received on April 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1838. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, the report of a rule entitled ''Revisions to the Territory of Guam State Implementation Plan, Update to Materials Incorporated by Reference'' (FRL

No. 7888–4) received on April 18, 2005; to the Committee on Environment and Public Works.

EC–1839. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Memorandum of Agreement Between Texas Council on Environmental Quality and the North Central Council of Governments Providing Emissions Offsets to Dallas Fort Worth International Airport'' (FRL No. 7902–8) received on April 18, 2005; to the Committee on Environment and Public Works.

EC–1840. A communication from the Acting Director, Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Model Milestones for NCR Adjudicatory Proceedings'' (RIN3150–AG49) received on April 18, 2005; to the Committee on Environment and Public Works.

EC–1841. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the monthly report on the status of licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–1842. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's 2003 Annual Report on the activities and operations of the Public Integrity Section, Criminal Division; to the Committee on the Judiciary.

EC–1843. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Limitation of Retroactive Application of Central Laborer's Pension Fund v. Heinz'' (Rev. Proc. 2005–23) received on April 18, 2005; to the Committee on Finance.

EC–1844. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—May 2005'' (Rev. Rul. 2005–27) received on April 18, 2005; to the Committee on Finance.

EC–1845. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under Section 355(e); Recognition of Gain on Certain Distributions of Stock or Securities in Connection with an Acquisition'' ((RIN1545–AY42) (TD 9198)) received on April 18, 2005; to the Committee on Finance.

EC–1846. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Final Rule; Response to Petitions for reconsideration, TREAD Child Restraints'' (RIN2127–AJ40) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1847. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations (Including 4 Regulations): [CGD05–04–215], [CGD08–05–003], [CGD08–05–004], [CGD01–04–126]'' (RIN1625–AA09) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1848. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones: Monterey Bay and Humboldt Bay, CA. [COPT San Francisco Bay 04–003]'' (RIN1625–AA87) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1849. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Ground: Safety Zone; Speed Limit; Tongass [CGD17–99–002]'' (RIN1625–AA23) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1850. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events: Pasquotank River, Camden, NC [CGD05–05–022]'' (RIN1625–AA08) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1851. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations (Including 3 Regulations): [CGD07–05–009], [CGD01–05–032], [CGD11–05–025]'' (RIN1625–AA09) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1852. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones: Monterey Bay and Humboldt Bay, CA. [COPT San Francisco Bay 05–004]'' (RIN1625–AA87) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1853. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF34–8E Series Turbofan Engines'' ((RIN2120–AA64) (2005–0192)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1854. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Hartzell Propeller Inc. Models HC–B3TN–2, –3, –5, HC–B4TN–3, –5, HC–B4MN–5, and HC–B5MP–3 Turbopropellers'' ((RIN2120–AA64) (2005–0193)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1855. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9 15F Airplanes Modified in Accordance with Supplemental Type Certificate (STC) SA199eSO; and Model DC 9 10, DC 9 20, DC 9 30, DC 9 40, and DC 9 50 Series Airplanes in All-Cargo Configuration, Equipped with a Main Deck Cargo Door'' ((RIN2120–AA64) (2005–0194)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1856. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S A Model ERJ 170 Series Airplanes'' ((RIN2120–AA64) (2005–0195)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1857. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600 2B19 Airplanes'' ((RIN2120–AA64) (2005–0196)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1858. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: The Cessna Aircraft Company Models 208 and 208B; CORRECTION'' ((RIN2120–AA64) (2005–0191)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1859. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A318, A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64) (2005–0202)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1860. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–400ER, 777–200, and 777–300 Series Airplanes'' ((RIN2120–AA64) (2005–0203)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1861. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, 700, 800, and 900 Series Airplanes'' ((RIN2120–AA64) (2005–0197)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1862. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes'' ((RIN2120–AA64) (2005–0198)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1863. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–300 and 400ER Series Airplanes'' ((RIN2120–AA64) (2005–0199)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1864. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes'' ((RIN2120–AA64) (2005–0200)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1865. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 202, 301, 311, and 315 Airplanes'' ((RIN2120–AA64) (2005–0201)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1866. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E5 Airspace at Parsons TN: the Beach River Regional Airport Parsons, TN'' ((RIN2120–AA66) (2005–

0092)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1867. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Tracy, MN'' ((RIN2120–AA66) (2005–0090)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1868. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Grissom ARB, IN'' ((RIN2120–AA66) (2005–0091)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1869. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (14); Amdt No. 3119 [4–6/4–14]'' ((RIN2120–AA65) (2005–0011)) received on April 18, 2005; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 339. A bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 378. A bill to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, 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.

Air Force nomination of Lt. Gen. Michael V. Hayden to be General.

By Mr. SPECTER for the Committee on the Judiciary.

Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 866. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 867. A bill to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles , California, as the ''Sergeant First Class John Marshall Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM (for himself, Mr. CORZINE, Mr. SCHUMER, and Mr. DEMINT):

S. 868. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Finance.

By Mr. FEINGOLD:

S. 869. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. CANTWELL:

S. 870. A bill to prohibit energy market manipulation; read the first time.

By Mr. LEVIN:

S. 871. A bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes; read the first time.

By Mr. DORGAN (for himself, Ms. MIKULSKI, and Ms. STABENOW):

S. 872. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; read the first time.

By Mr. DURBIN:

S. 873. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program; read the first time.

By Mr. DURBIN (for himself and Mrs. LINCOLN):

S. 874. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; read the first time.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. LIEBERMAN, and Mr. OBAMA):

S. 875. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. KENNEDY, and Mr. HARKIN):

S. 876. A bill to prohibit human cloning and protect stem cell research; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. LUGAR, Mr. ISAKSON, Mr. ENZI, Mr. FEINGOLD, Mr. CRAPO, Mr. ALEXANDER, Mr. BUNNING, Mr. SESSIONS, Mr. ALLARD, and Mr. CORZINE):

S. 877. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 878. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 879. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 880. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself, Mr. MCCAIN, Mr. DORGAN, Mrs. MURRAY, and Mr. INOUYE):

S. 881. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mr. DURBIN (for himself, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Mr. BAYH, Mr. LEAHY, Mr. LIEBERMAN, Mrs. BOXER, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. CORZINE, Mr. KERRY, Mr. FEINGOLD, and Mr. SCHUMER):

S. 882. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself, Mr. BYRD, Mr. ALEXANDER, Mr. PRYOR, Mr. CRAIG, Mrs. DOLE, and Ms. MURKOWSKI):

S. 883. A bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes; to the Committee on Foreign Relations.

By Ms. CANTWELL:

S. 884. A bill to conduct a study evaluating whether there are correlations between the commission of methamphetamine crimes and identify theft crimes; to the Committee on the Judiciary.

By Mr. DAYTON:

S. 885. A bill to authorize funding for the American Prosecutors Research Institute's National Center for Prosecution of Child Abuse and the American Prosecutors Research Institute's National Child Protection Training Center at Winona State University; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. SALAZAR, and Mrs. FEINSTEIN):

S. 886. A bill to eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes; to the Committee on Finance.

By Mr. HAGEL (for himself, Ms. LANDRIEU, Mr. ALEXANDER, Mr. PRYOR, Mr. CRAIG, Mrs. DOLE, and Ms. MURKOWSKI):

S. 887. A bill to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 888. A bill to direct the Department of Homeland Security to provide guidance and

training to State and local governments relating to sensitive homeland security information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. CORZINE, Mr. LEAHY, Mr. JEFFORDS, Mr. SCHUMER, Ms. COLLINS, Mr. DURBIN, and Ms. CANTWELL):

S. 889. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks, to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight, to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. Res. 118. A resolution recognizing June 2 through June 5, 2005, as the ''Vermont Dairy Festival,'' in honor of Harold Howrigan for his service to his community and the Vermont dairy industry; to the Committee on Agriculture, Nutrition, and Forestry.

## ADDITIONAL COSPONSORS

S. 119

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 185

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 300

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 313

At the request of Mr. LUGAR, the names of the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 440

At the request of Mr. BUNNING, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. WYDEN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 467

At the request of Mr. DODD, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 484

At the request of Mr. WARNER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) 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. 576

At the request of Mr. BYRD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 665

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of 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.

S. 674

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 674, a bill to provide assistance to combat HIV/AIDS in India, and for other purposes.

S. 675

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of 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.

S. 713

At the request of Mr. ROBERTS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 718

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 718, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, and to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 760

At the request of Mr. INOUYE, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Wisconsin (Mr. KOHL), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 806

At the request of Mr. CRAIG, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Illinois (Mr. OBAMA), the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. BURR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. DEWINE), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Hawaii (Mr.

INOUYE), the Senator from Wyoming (Mr. THOMAS), the Senator from Nevada (Mr. ENSIGN), the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 806, a bil to amend title 38, United States Code, to provide a traumatic injury protection rider to servicemembers insured under section 1967(a)(1) of such title.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S.J. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 11, a joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 11

At the request of Mr. SESSIONS, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. OBAMA), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Con. Res. 11, a concurrent resolution honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution in creating an integrated United States Air Force.

S. RES. 40

At the request of Ms. LANDRIEU, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. Res. 40, a resolution supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room.

S. RES. 85

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 85, a resolution designating July 23, 2005, and July 22, 2006, as ''National Day of the American Cowboy''.

S. RES. 107

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 107, a resolution commending Annice M. Wagner, Chief Judge of the District of Columbia court of Appeals, for her public service.

S. RES. 115

At the request of Mr. SALAZAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 115, a resolution designating May 2005 as ''National Cystic Fibrosis Awareness Month''.

AMENDMENT NO. 368

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 368 proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 437

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Oregon (Mr. WYDEN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 437 intended to be proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 439

At the request of Mr. CRAIG, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from South Dakota (Mr. THUNE), the Senator from Illinois (Mr. OBAMA), the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. BURR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. THOMAS), the Senator from Nevada (Mr. ENSIGN), the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 439 intended to be proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 487

At the request of Mr. ENSIGN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 487 proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 520

At the request of Mr. BAYH, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Ms. CANTWELL) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 520 proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 563

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 563 proposed to H.R. 1268, an act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 866. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Finance.

Mrs. HUTCHISON. 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. 866

*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 ''Public Servant Retirement Protection Act of 2005''.

**SEC. 2. REPEAL OF CURRENT WINDFALL ELIMINATION PROVISION.**

Paragraph (7) of section 215(a) of the Social Security Act (42 U.S.C. 415(a)(7)) is repealed.

**SEC. 3. REPLACEMENT OF THE WINDFALL ELIMINATION PROVISION WITH A FORMULA EQUALIZING BENEFITS FOR CERTAIN INDIVIDUALS WITH NONCOVERED EMPLOYMENT.**

(a) SUBSTITUTION OF PROPORTIONAL FORMULA FOR FORMULA BASED ON COVERED PORTION OF PERIODIC BENEFIT.—

(1) IN GENERAL.—Section 215(a) of the Social Security Act (as amended by section 2 of this Act) is amended further by inserting after paragraph (6) the following new paragraph:

''(7)(A) In the case of an individual whose primary insurance amount would be computed under paragraph (1) of this subsection, who—

''(i) attains age 62 after 1985 (except where he or she became entitled to a disability insurance benefit before 1986 and remained so entitled in any of the 12 months immediately preceding his or her attainment of age 62), or

''(ii) would attain age 62 after 1985 and becomes eligible for a disability insurance benefit after 1985,

and who first becomes eligible after 1985 for a monthly periodic payment (including a

payment determined under subparagraph (E), but excluding (I) a payment under the Railroad Retirement Act of 1974 or 1937, (II) a payment by a social security system of a foreign country based on an agreement concluded between the United States and such foreign country pursuant to section 233, and (III) a payment based wholly on service as a member of a uniformed service (as defined in section 210(m)) which is based in whole or in part upon his or her earnings for service which did not constitute 'employment' as defined in section 210 for purposes of this title (hereafter in this paragraph and in subsection (d)(3) referred to as 'noncovered service'), the primary insurance amount of that individual during his or her concurrent entitlement to such monthly periodic payment and to old-age or disability insurance benefits shall be computed or recomputed under this paragraph.

''(B) The primary insurance amount of an individual described in subparagraph (A), as computed or recomputed under this paragraph, shall be—

''(i) in the case of an individual who first performs noncovered service after the 12th calendar month following the date of the enactment of the Public Servant Retirement Protection Act of 2005, the primary insurance amount determined under subparagraph (C), or

''(ii) in the case of an individual who has performed noncovered service during or before the 12th calendar month following the date of the enactment of the Public Servant Retirement Protection Act of 2005, the larger of—

''(I) the primary insurance amount determined under subparagraph (C), or

''(II) the primary insurance amount determined under subparagraph (E).

''(C) An individual's primary insurance amount determined under this subparagraph shall be the product derived by multiplying—

''(i) the individual's primary insurance amount, as determined under paragraph (1) of this subsection and subparagraph (D)(i) of this paragraph, by

''(ii) a fraction—

''(I) the numerator of which is the individual's average indexed monthly earnings (determined without regard to subparagraph (D)(i)), and

''(II) the denominator of which is an amount equal to the individual's average indexed monthly earnings (as determined under subparagraph (D)(i)),

rounded, if not a multiple of $0.10, to the next lower multiple of $0.10.

''(D)(i) For purposes of determining an individual's primary insurance amount pursuant to subparagraph (C)(i), the individual's average indexed monthly earnings shall be determined by treating all service performed after 1950 on which the individual's monthly periodic payment referred to in subparagraph (A) is based (other than noncovered service as a member of a uniformed service (as defined in section 210(m))) as 'employment' as defined in section 210 for purposes of this title (together with all other service performed by such individual consisting of 'employment' as so defined).

''(ii) For purposes of determining average indexed monthly earnings as described in clause (i), the Commissioner of Social Security shall provide by regulation for a method for determining the amount of wages derived from service performed after 1950 on which the individual's periodic benefit is based and which is to be treated as 'employment' solely for purposes of clause (i). Such method shall provide for reliance on employment records which are provided to the Commissioner and which, as determined by the Commissioner, constitute a reasonable basis for treatment of service as 'employment' for such purposes, together with such other information received by the Commissioner (including such documentary evidence of earnings derived from noncovered service as may be provided to the Commissioner by the individual) as the Commissioner may consider appropriate as a reasonable basis for treatment of service as 'employment' for such purposes. The Commissioner shall enter into such arrangements as are necessary and appropriate with the Department of the Treasury, the Department of Labor, other Federal agencies, and agencies of States and political subdivisions thereof so as to secure satisfactory evidence of earnings for noncovered service described in subparagraph (A) for purposes of this clause and clauses (iii) and (iv). The Secretary of the Treasury, the Secretary of Labor, and the heads of all other Federal agencies are authorized and directed to cooperate with the Commissioner and, to the extent permitted by law, to provide such employment records and other information as the Commissioner may request for their assistance in the performance of the Commissioner's functions under this clause and clauses (iii) and (iv).

''(iii) In any case in which satisfactory evidence of earnings for noncovered service which was performed by an individual during any year or portion of a year after 1977 is not otherwise available, the Commissioner may, for purposes of clause (ii), accept as satisfactory evidence of such individual's earnings for such noncovered service during such year or portion of a year reasonable extrapolations from available information with respect to earnings for noncovered service of such individual for periods immediately preceding and following such year or portion of a year.

''(iv) In any case in which satisfactory evidence of earnings for noncovered service which was performed by an individual during any period before 1978 is not otherwise available, the Commissioner may, for purposes of clause (ii), accept as satisfactory evidence of such individual's earnings for such noncovered service during such period —

''(I) the individual's written attestation of such earnings, if such attestation is corroborated by at least 1 other individual who is knowledgeable of the relevant facts, or

''(II) available information regarding the average earnings for noncovered service for the same period for individuals in similar positions in the same profession in the same State or political subdivision thereof, or, in any case in which such information is not available for such period, reasonable extrapolations of average earnings for noncovered service for such individuals from periods immediately preceding and following such period.

''(v) In any case described in subparagraph (B)(i), if the requirements of clause (ii) of this subparagraph are not met (after applying clauses (iii) and (iv)), the primary insurance amount of the individual shall be, notwithstanding subparagraph (B)(i), the primary insurance amount computed under subparagraph (E).

''(E)(i) For purposes of determining the primary insurance amount under this subparagraph—

''(I) there shall first be computed an amount equal to the individual's primary insurance amount under paragraph (1) of this subsection, except that for purposes of such computation the percentage of the individual's average indexed monthly earnings established by subparagraph (A)(i) of paragraph (1) shall be the percent specified in clause (ii), and

''(II) there shall then be computed (without regard to this paragraph) a second amount, which shall be equal to the individual's primary insurance amount under paragraph (1) of this subsection, except that such second amount shall be reduced by an amount equal to one-half of the portion of the monthly periodic payment which is attributable to noncovered service performed after 1956 (with such attribution being based on the proportionate number of years of such noncovered service) and to which the individual is entitled (or is deemed to be entitled) for the initial month of his or her concurrent entitlement to such monthly periodic payment and old-age or disability insurance benefits.

An individual's primary insurance amount determined under this subparagraph shall be the larger of the two amounts computed under this clause (before the application of subsection (i)).

''(ii) For purposes of clause (i), the percent specified in this clause is—

''(I) 80.0 percent with respect to individuals who become eligible (as defined in paragraph (3)(B)) for old-age insurance benefits (or became eligible as so defined for disability insurance benefits before attaining age 62) in 1986;

''(II) 70.0 percent with respect to individuals who so become eligible in 1987;

''(III) 60.0 percent with respect to individuals who so become eligible in 1988;

''(IV) 50.0 percent with respect to individuals who so become eligible in 1989; and

''(V) 40.0 percent with respect to individuals who so become eligible in 1990 or thereafter.

''(F)(i) Any periodic payment which otherwise meets the requirements of subparagraph (A), but which is paid on other than a monthly basis, shall be allocated on a basis equivalent to a monthly payment (as determined by the Commissioner of Social Security), and such equivalent monthly payment shall constitute a monthly periodic payment for purposes of this paragraph.

''(ii) In the case of an individual who has elected to receive a periodic payment that has been reduced so as to provide a survivor's benefit to any other individual, the payment shall be deemed to be increased (for purposes of any computation under this paragraph or subsection (d)(3)) by the amount of such reduction.

''(iii) For purposes of this paragraph, the term 'periodic payment' includes a payment payable in a lump sum if it is a commutation of, or a substitute for, periodic payments.

''(G)(i) This paragraph shall not apply in the case of an individual who has 30 years or more of coverage. In the case of an individual who has more than 20 years of coverage but less than 30 years of coverage (as so defined), the percent specified in the applicable subdivision of subparagraph (E)(ii) shall (if such percent is smaller than the applicable percent specified in the following table) be deemed to be the applicable percent specified in the following table:

| If the number of such individual's years of coverage (as so defined) is: | The applicable percent is: |
|---|---|
| 29 | 85 |
| 28 | 80 |
| 27 | 75 |
| 26 | 70 |
| 25 | 65 |
| 24 | 60 |
| 23 | 55 |
| 22 | 50 |
| 21 | 45 |

''(ii) For purposes of clause (i), the term 'year of coverage' shall have the meaning provided in paragraph (1)(C)(ii), except that the reference to '15 percent' therein shall be deemed to be a reference to '25 percent'.

''(H) An individual's primary insurance amount determined under this paragraph

shall be deemed to be computed under paragraph (1) of this subsection for the purpose of applying other provisions of this title.

''(I) This paragraph shall not apply in the case of an individual whose eligibility for old-age or disability insurance benefits is based on an agreement concluded pursuant to section 233 or an individual who on January 1, 1984—

''(i) is an employee performing service to which social security coverage is extended on that date solely by reason of the amendments made by section 101 of the Social Security Amendments of 1983; or

''(ii) is an employee of a nonprofit organization which (on December 31, 1983) did not have in effect a waiver certificate under section 3121(k) of the Internal Revenue Code of 1954 and to the employees of which social security coverage is extended on that date solely by reason of the amendments made by section 102 of that Act, unless social security coverage had previously extended to service performed by such individual as an employee of that organization under a waiver certificate which was subsequently (prior to December 31, 1983) terminated.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 215(d)(3) of such Act (42 U.S.C. 415(d)(3)) is amended—

(i) by striking ''subsection (a)(7)(C)'' each place it appears and inserting ''subsection (a)(7)(F)'';

(ii) by striking ''subparagraph (E)'' and inserting ''subparagraph (I)''; and

(iii) by striking ''subparagraph (D)'' and inserting ''subparagraph (G)(i)''.

(B) Section 215(f)(9)(A) of such Act (42 U.S.C. 415(f)(9)(A)) is amended by striking ''(a)(7)(C)'' and inserting ''(a)(7)(F)''.

**SEC. 4. EFFECTIVE DATE.**

The amendments made by this Act shall apply with respect to monthly insurance benefits for months commencing with or after the 12th calendar month following the date of the enactment of this Act. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall recompute primary insurance amounts to the extent necessary to carry out the amendments made by this Act.

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By Mr. SANTORUM (for himself, Mr. CORZINE, Mr. SCHUMER, and Mr. DEMINT):

S. 868. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today I am introducing ''The America Saving for Personal Investment, Retirement, and Education (ASPIRE) Act of 2005'' along with Senator CORZINE, Senator SCHUMER and Senator DEMINT. A bipartisan group of members is introducing companion legislation in the House of Representatives. The bill creates a Kids Investment and Development Savings (KIDS) Account for every child at birth and creates a new opportunity for the children of low-income Americans to build assets and wealth.

This country has seen a growing number of Americans investing in the stock market and has witnessed an historic boom in homeownership, which has increased to record high levels. However, this growth in assets has not reached every American. While many middle- and upper-income families have increased their assets in the past decade, many low-income families have not had the same financial success. A recent study conducted by the Federal Reserve found that the median net worth of families in the bottom 20 percent of the nation's income level was a mere $7,900—an amount that is far too low to ensure a comfortable economic future for their family. This challenge needs to be addressed to ensure that lower income families have a significant opportunity to accrue wealth and expand opportunities for their families.

Under this legislation, KIDS Accounts would be created after a child is born and a Social Security number issued. A one-time $500 deposit would automatically be placed into a KIDS account. Children from households below the national median income would receive an additional deposit of $500 at birth and would be eligible to receive dollar-for-dollar matching funds up to $500 per year for voluntary contributions to the account, which cannot exceed $1,000 per year. All funds grow tax-free. Access to the account prior to age 18 would not be permitted, but kids—in conjunction with their parents—would participate in investment decisions and watch their money grow. When the young person turns 18, he or she can use the accrued money for asset building purposes such as education, homeownership, and retirement planning. Accrued funds could also be rolled over into a Roth IRA or 529 post-secondary education account to expand investment options.

I would like to highlight what I view as the two major benefits of this legislation. The first, and most apparent, is that this bill will help give younger individuals, especially low-income Americans, a sound financial start to begin their adult life. For example, a typical low-income family making modest but steady contributions can create a KIDS Account worth over $20,000 in 18 years. Second, and perhaps more important, is that KIDS Accounts create opportunities for all Americans to become more financially literate. The account holders and their guardians will choose from a list of possible investment funds and will be able to watch their investment grow over time. All Americans will have the opportunity to see first-hand that a smart investment now can grow over time into considerable wealth.

I believe that this bill could be a significant and strategic step forward in the effort to expand asset opportunities to all Americans, and lower-income Americans in particular. I encourage my colleagues to support this bipartisan effort.

Mr. CORZINE. Mr. President, I am pleased to join with Senators Santorum, Schumer, and DeMint in introducing the ASPIRE Act of 2005, which would expand opportunities for young adults, encourage savings, and promote financial literacy, by establishing investment accounts, known as KIDS Accounts, for every child in America.

ASPIRE is based largely on a similar initiative in the United Kingdom developed by Prime Minister Tony Blair. Yet despite its British roots, the proposal is based on the most basic of American values. By giving every young person resources with which to get a start in life, ASPIRE will help realize the American ideal of equal opportunity. And by making every young person an investor, the proposal would encourage self reliance, promote savings, and give every family a personal stake in America's economy.

Under ASPIRE, an investment account would be established for every American child upon receiving a Social Security number. Each account would be funded initially with $500. Those with incomes less than the national median would receive an additional contribution of up to $500, and would receive a one-for-one government match for their first $500 of private contributions each year. Up to $1000 of after-tax private contributions would be allowed annually from any source.

Funds would accumulate tax-free and could not be withdrawn for purposes other than higher education until the child reaches the age of 18. At that point, funds could be withdrawn, according to Roth IRA guidelines, either for higher education or for the purchase of a home. Funds left unspent would be saved for retirement under rules similar to those that apply to Roth IRAs or rolled over to a 529 plan for educational expenses. Once the account holder reaches the age of 30, the initial $500 government contribution would have to be repaid, though exceptions could be made to avoid undue hardship.

Accounts initially would be held by a government entity that would be based on the successful Thrift Savings Plan, or TSP, which now manages retirement accounts for Federal employees with relatively low administrative costs. As with the TSP, investors would have a range of investment options, such as a Government securities fund, a fixed income investment fund, and a common stock fund. However, once an account holder reaches the age of 18, funds could be rolled over to a KIDS Account held at a private institution.

It is difficult to understate the potential impact of giving every American child a funded investment account of their own. For the first time, every child will have a meaningful incentive to learn the basics of investing, because they will have real resources to invest. For the first time, even families with modest incomes will have a significant incentive to save, to earn the government match. And, perhaps most fundamentally, for the first time, every American child will grow up knowing that when they reach adulthood, they will have the ability to invest in themselves and in their own education. In short, every child will have hope for a real future.

Considering its potentially significant social and individual benefits, the ASPIRE Act requires an investment that is relatively modest. It has been

estimated that, when it becomes effective, the bill's cost would represent only about one tenth of one percent of the Federal budget. Yet the proposal differs from other proposals for new spending or tax cuts because, for the first 18 years, it would not reduce overall national savings at all. In that period, virtually every dollar of outlays would be saved, and would be available to expand long-term economic growth. In fact, the proposal would lead to an increase in national savings because of its incentives for families to save more. This would help create the economic growth we need to handle the added burdens associated with the impending retirement of the baby boomers.

Senator SANTORUM and I are excited to be joined this year by Senators Schumer and DeMint as sponsors of ASPIRE, along with sponsors of identical legislation in the House, Congressmen Harold Ford, Patrick Kennedy, Thomas Petri and Phil English. In that process, we have been assisted by a broad range of experts and other interested parties, for which I am very grateful. However, I want to especially thank Ray Boshara and Reid Cramer of the New America Foundation, who have been extraordinarily helpful in the development of the legislation, and who have taken the lead in efforts to promote this and other asset building initiatives.

Mr. President, the ASPIRE Act is a big new idea based on simple, old time American values. It already enjoys strong bipartisan support from conservatives and progressives, alike, in both houses of Congress. I look forward to working with colleagues on both sides of the aisle to secure its prompt enactment.

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By Mr. FEINGOLD:

S. 869. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for class 1 milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, today I am offering a measure which could serve as a first step towards eliminating the inequities borne by the dairy farmers of Wisconsin and the upper Midwest under the Federal Milk Marketing Order system.

The Federal Milk Marketing Order system, created nearly 60 years ago, establishes minimum prices for milk paid to producers throughout various marketing areas in the U.S. For sixty years, this system has discriminated against producers in the Upper Midwest by awarding a higher price to dairy farmers in proportion to the distance of their farms from areas of high milk production, which historically have been the region around Eau Claire, WI.

My legislation is very simple. It identifies the single most harmful and unjust feature of the current system, and corrects it. Under the current archaic law, the price farmers receive for fluid milk is higher the further they are from the Eau Claire region of the Upper Midwest. This provision originally was intended to guarantee the supply of fresh milk from the high production areas to distant markets in an age of difficult transportation and limited refrigeration. But the situation has long since changed and the provision persists at the detriment of the Wisconsin farmers even though most local milk markets do not receive any milk from Wisconsin.

The bill I introduce today would prohibit the Secretary of Agriculture from using distance or transportation costs from any location as the basis for pricing milk, unless significant quantities of milk are actually transported from that location into the recipient market. The Secretary will have to comply with the statutory requirement that supply and demand factors be considered as specified in the Agricultural Marketing Agreement Act when setting milk prices in marketing orders. The fact remains that single-basing-point pricing simply cannot be justified based on supply and demand for milk both in local and national markets and the changing pattern of U.S. milk production.

This bill also requires the Secretary to report to Congress on specifically which criteria are used to set milk prices. Finally, the Secretary will have to certify to Congress that the criteria used by the Department do not in any way attempt to circumvent the prohibition on using distance or transportation cost as basis for pricing milk.

This one change is vitally important to Upper Midwest producers, because the current system has penalized them for many years. The current system is a double whammy to Upper Midwest dairy farmers—it both provides disparate profits for producers in other parts of the country and creates artificial economic incentives for milk production. As a result, Wisconsin producers have seen national surpluses rise, and milk prices fall. Rather than providing adequate supplies of fluid milk, the prices often lead to excess production.

The prices have provided production incentives beyond those needed to ensure a local supply of fluid milk in some regions, leading to an increase in manufactured products in those marketing orders. Those manufactured products directly compete with Wisconsin's processed products, eroding our markets and driving national prices down.

The perverse nature of this system is further illustrated by the fact that since 1995, some regions of the U.S., notably the central states and the Southwest, are producing so much milk that they are actually shipping fluid milk north to the Upper Midwest. The high fluid milk prices have generated so much excess production, that these markets distant from Eau Claire are now encroaching upon not only our manufactured markets, but also our markets for fluid milk, further eroding prices in Wisconsin.

The market-distorting effects of the fluid price differentials in federal orders are shown by a previous Congressional Budget Office analysis that estimated that the elimination of orders would save $669 million over five years. Government outlays would fall, CBO concluded, because production would fall in response to lower milk prices and there would be fewer government purchases of surplus milk. The regions that would gain and lose in this scenario illustrate the discrimination inherent to the current system. Economic analyses showed that farm revenues in a market undisturbed by Federal orders would actually increase in the Upper Midwest and fall in most other milk-producing regions.

While this system has been around since 1937, the practice of basing fluid milk price differentials on the distance from Eau Claire was formalized in the 1960s, when the Upper Midwest arguably was the primary reserve for additional supplies of milk. The idea was to encourage local supplies of fluid milk in areas of the country that did not traditionally produce enough fluid milk to meet their own needs.

That is no longer the case. The Upper Midwest is no longer the primary source of reserve supplies of milk. Unfortunately, the prices didn't adjust with changing economic conditions, most notably the shift of the dairy industry away from the Upper Midwest and towards the Southwest, and specifically California, which now leads the nation in milk production.

The result of this antiquated system has been a decline in the Upper Midwest dairy industry, not because it can't produce a product that can compete in the marketplace, but because the system discriminates against it. Over the past few years Wisconsin has lost dairy farmers at a rate of more than 5 per day. The Upper Midwest, with the lowest fluid milk prices, is shrinking as a dairy region despite the dairy-friendly climate of the region. Some other regions with higher fluid milk prices are growing rapidly.

In a free market with a level playing field, these shifts in production might be fair. But in a market where the government is setting the prices and providing that artificial advantage to regions outside the Upper Midwest, the current system is unconscionable.

I urge my colleagues to do the right thing and bring reform to this outdated system and work to eliminate the inequities in the current milk marketing order pricing system.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 869

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Federal Milk Marketing Reform Act of 2005''.

**SEC. 2. LOCATION ADJUSTMENTS FOR MINIMUM PRICES FOR CLASS I MILK.**

Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in paragraph (A)—

(A) in clause (3) of the second sentence, by inserting after ''the locations'' the following: ''within a marketing area subject to the order''; and

(B) by striking the last 2 sentences and inserting the following: ''Notwithstanding subsection (18) or any other provision of law, when fixing minimum prices for milk of the highest use classification in a marketing area subject to an order under this subsection, the Secretary may not, directly or indirectly, base the prices on the distance from, or all or part of the costs incurred to transport milk to or from, any location that is not within the marketing area subject to the order, unless milk from the location constitutes at least 50 percent of the total supply of milk of the highest use classification in the marketing area. The Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the criteria that are used as the basis for the minimum prices referred to in the preceding sentence, including a certification that the minimum prices are made in accordance with the preceding sentence.''; and

(2) in paragraph (B)(c), by inserting after ''the locations'' the following: ''within a marketing area subject to the order''.

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By Mr. DURBIN:

S. 873. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program; read the first time.

Mr. DORGAN. 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. 873

*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 ''Medicare Prescription Drug Savings and Choice Act of 2005''.

**SEC. 2. ESTABLISHMENT OF MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.**

(a) IN GENERAL.—Subpart 2 of part D of the Social Security Act is amended by inserting after section 1860D–11 the following new section:

''MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION

''SEC. 1860D–11A. (a) IN GENERAL.—Notwithstanding any other provision of this part, for each year (beginning with 2006), in addition to any plans offered under section 1860D–11, the Secretary shall offer one or more medicare operated prescription drug plans (as defined in subsection (c)) with a service area that consists of the entire United States and shall enter into negotiations with pharmaceutical manufacturers to reduce the purchase cost of covered part D drugs for eligible part D individuals in accordance with subsection (b).

''(b) NEGOTIATIONS.—Notwithstanding section 1860D–11(i), for purposes of offering a medicare operated prescription drug plan under this section, the Secretary shall negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs and shall encourage the use of more affordable therapeutic equivalents to the extent such practices do not override medical necessity as determined by the prescribing physician. To the extent practicable and consistent with the previous sentence, the Secretary shall implement strategies similar to those used by other Federal purchasers of prescription drugs, and other strategies, to reduce the purchase cost of covered part D drugs.

''(c) MEDICARE OPERATED PRESCRIPTION DRUG PLAN DEFINED.—For purposes of this part, the term 'medicare operated prescription drug plan' means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A). Such a plan may offer supplemental prescription drug coverage in the same manner as other qualified prescription drug coverage offered by other prescription drug plans.

''(d) MONTHLY BENEFICIARY PREMIUM.—

''(1) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The monthly beneficiary premium for qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A) to be charged under a medicare operated prescription drug plan shall be uniform nationally. Such premium for months in 2006 shall be $35 and for months in succeeding years shall be based on the average monthly per capita actuarial cost of offering the medicare operated prescription drug plan for the year involved, including administrative expenses.

''(2) SUPPLEMENTAL PRESCRIPTION DRUG COVERAGE.—Insofar as a medicare operated prescription drug plan offers supplemental prescription drug coverage, the Secretary may adjust the amount of the premium charged under paragraph (1).

''(3) REQUIREMENT FOR AT LEAST ONE PLAN WITH A $35 PREMIUM IN 2006.—The Secretary shall ensure that at least one medicare operated prescription drug plan offered in 2006 has a monthly premium of $35.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w–103(a)) is amended by adding at the end the following new paragraph:

''(4) AVAILABILITY OF THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—

''(A) IN GENERAL.—A medicare operated prescription drug plan (as defined in section 1860D–11A(c)) shall be offered nationally in accordance with section 1860D–11A.

''(B) RELATIONSHIP TO OTHER PLANS.—

''(i) IN GENERAL.—Subject to clause (ii), a medicare operated prescription drug plan shall be offered in addition to any qualifying plan or fallback prescription drug plan offered in a PDP region and shall not be considered to be such a plan for purposes of meeting the requirements of this subsection.

''(ii) DESIGNATION AS A FALLBACK PLAN.—Notwithstanding any other provision of this part, the Secretary may designate the medicare operated prescription drug plan as the fallback prescription drug plan for any fallback service area (as defined in section 1860D–11(g)(3)) determined to be appropriate by the Secretary.''.

(2) Section 1860D–13(c)(3) of such Act (42 U.S.C. 1395w–113(c)(3)) is amended—

(A) in the heading, by inserting ''and medicare operated prescription drug plans'' after ''Fallback plans''; and

(B) by inserting ''or a medicare operated prescription drug plan'' after ''a fallback prescription drug plan''.

(3) Section 1860D–16(b)(1) of such Act (42 U.S.C. 1395w–116(b)(1)) is amended—

(A) in subparagraph (C), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) payments for expenses incurred with respect to the operation of medicare operated prescription drug plans under section 1860D–11A.''.

(4) Section 1860D–41(a) of such Act (42 U.S.C. 141(a)) is amended by adding at the end the following new paragraph:

''(19) MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—The term 'medicare operated prescription drug plan' has the meaning given such term in section 1860D–11A(c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071).

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By Mr. DURBIN (for himself and Mrs. LINCOLN):

S. 874. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; read the first time.

Mr. DURBIN. 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. 874

*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 ''Small Employers Health Benefits Program Act of 2005''.

**SEC. 2. DEFINITIONS.**

(a) IN GENERAL.—In this Act, the terms ''member of family'', ''health benefits plan'', ''carrier'', ''employee organizations'', and ''dependent'' have the meanings given such terms in section 8901 of title 5, United States Code.

(b) OTHER TERMS.—In this Act:

(1) EMPLOYEE.—The term ''employee'' has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)). Such term shall not include an employee of the Federal Government.

(2) EMPLOYER.—The term ''employer'' has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(5)), except that such term shall include only employers who employed an average of at least 1 but not more than 100 employees on business days during the year preceding the date of application. Such term shall not include the Federal Government.

(3) HEALTH STATUS-RELATED FACTOR.—The term ''health status-related factor'' has the meaning given such term in section 2791(d)(9) of the Public Health Service Act (42 U.S.C. 300gg–91(d)(9)).

(4) OFFICE.—The term ''Office'' means the Office of Personnel Management.

(5) PARTICIPATING EMPLOYER.—The term ''participating employer'' means an employer that—

(A) elects to provide health insurance coverage under this Act to its employees; and

(B) is not offering other comprehensive health insurance coverage to such employees.

(c) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of subsection (b)(2):

(1) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

(2) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence for the full year prior to the date on which the employer applies to participate, the determination of whether such employer meets the requirements of subsection (b)(2) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the employer's first full year.

(3) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

(d) WAIVER AND CONTINUATION OF PARTICIPATION.—

(1) WAIVER.—The Office may waive the limitations relating to the size of an employer which may participate in the health insurance program established under this Act on a case by case basis if the Office determines that such employer makes a compelling case for such a waiver. In making determinations under this paragraph, the Office may consider the effects of the employment of temporary and seasonal workers and other factors.

(2) CONTINUATION OF PARTICIPATION.—An employer participating in the program under this Act that experiences an increase in the number of employees so that such employer has in excess of 100 employees, may not be excluded from participation solely as a result of such increase in employees.

**SEC. 3. HEALTH INSURANCE COVERAGE FOR NON-FEDERAL EMPLOYEES.**

(a) ADMINISTRATION.—The Office shall administer a health insurance program for non-Federal employees and employers in accordance with this Act.

(b) REGULATIONS.—Except as provided under this Act, the Office shall prescribe regulations to apply the provisions of chapter 89 of title 5, United States Code, to the greatest extent practicable to participating carriers, employers, and employees covered under this Act.

(c) LIMITATIONS.—In no event shall the enactment of this Act result in—

(1) any increase in the level of individual or Federal Government contributions required under chapter 89 of title 5, United States Code, including copayments or deductibles;

(2) any decrease in the types of benefits offered under such chapter 89; or

(3) any other change that would adversely affect the coverage afforded under such chapter 89 to employees and annuitants and members of family under that chapter.

(d) ENROLLMENT.—The Office shall develop methods to facilitate enrollment under this Act, including the use of the Internet.

(e) CONTRACTS FOR ADMINISTRATION.—The Office may enter into contracts for the performance of appropriate administrative functions under this Act.

(f) SEPARATE RISK POOL.—In the administration of this Act, the Office shall ensure that covered employees under this Act are in a risk pool that is separate from the risk pool maintained for covered individuals under chapter 89 of title 5, United States Code.

(g) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require a carrier that is participating in the program under chapter 89 of title 5, United States Code, to provide health benefits plan coverage under this Act.

**SEC. 4. CONTRACT REQUIREMENT.**

(a) IN GENERAL.—The Office may enter into contracts with qualified carriers offering health benefits plans of the type described in section 8903 or 8903a of title 5, United States Code, without regard to section 5 of title 41, United States Code, or other statutes requiring competitive bidding, to provide health insurance coverage to employees of participating employers under this Act. Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. In entering into such contracts, the Office shall ensure that health benefits coverage is provided for individuals only, married individuals without children, and families.

(b) ELIGIBILITY.—A carrier shall be eligible to enter into a contract under subsection (a) if such carrier—

(1) is licensed to offer health benefits plan coverage in each State in which the plan is offered; and

(2) meets such other requirements as determined appropriate by the Office.

(c) STATEMENT OF BENEFITS.—

(1) IN GENERAL.—Each contract under this Act shall contain a detailed statement of benefits offered and shall include information concerning such maximums, limitations, exclusions, and other definitions of benefits as the Office considers necessary or desirable.

(2) NATIONWIDE PLAN.—The Office shall develop a benefit package that shall be offered in the case of a contract for a health benefit plan that is to be offered on a nationwide basis.

(d) STANDARDS.—The minimum standards prescribed for health benefits plans under section 8902(e) of title 5, United States Code, and for carriers offering plans, shall apply to plans and carriers under this Act. Approval of a plan may be withdrawn by the Office only after notice and opportunity for hearing to the carrier concerned without regard to subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

(e) CONVERSION.—

(1) IN GENERAL.—A contract may not be made or a plan approved under this section if the carrier under such contract or plan does not offer to each enrollee whose enrollment in the plan is ended, except by a cancellation of enrollment, a temporary extension of coverage during which the individual may exercise the option to convert, without evidence of good health, to a nongroup contract providing health benefits. An enrollee who exercises this option shall pay the full periodic charges of the nongroup contract.

(2) NONCANCELLABLE.—The benefits and coverage made available under paragraph (1) may not be canceled by the carrier except for fraud, over-insurance, or nonpayment of periodic charges.

(f) RATES.—Rates charged under health benefits plans under this Act shall reasonably and equitably reflect the cost of the benefits provided. Such rates shall be determined on a basis which, in the judgment of the Office, is consistent with the lowest schedule of basic rates generally charged for new group health benefits plans issued to large employers. The rates determined for the first contract term shall be continued for later contract terms, except that they may be readjusted for any later term, based on past experience and benefit adjustments under the later contract. Any readjustment in rates shall be made in advance of the contract term in which they will apply and on a basis which, in the judgment of the Office, is consistent with the general practice of carriers which issue group health benefits plans to large employers. Rates charged for coverage under this Act shall not vary based on health-status related factors.

(g) REQUIREMENT OF PAYMENT FOR OR PROVISION OF HEALTH SERVICE.—Each contract entered into under this Act shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Office finds that the employee, annuitant, family member, former spouse, or person having continued coverage under section 8905a of title 5, United States Code, is entitled thereto under the terms of the contract.

**SEC. 5. ELIGIBILITY.**

An individual shall be eligible to enroll in a plan under this Act if such individual—

(1) is an employee of an employer described in section 2(b)(2), or is a self employed individual as defined in section 401(c)(1)(B) of the Internal Revenue Code of 1986; and

(2) is not otherwise enrolled or eligible for enrollment in a plan under chapter 89 of title 5, United States Code.

**SEC. 6. ALTERNATIVE CONDITIONS TO FEDERAL EMPLOYEE PLANS.**

(a) TREATMENT OF EMPLOYEE.—For purposes of enrollment in a health benefits plan under this Act, an individual who had coverage under a health insurance plan and is not a qualified beneficiary as defined under section 4980B(g)(1) of the Internal Revenue Code of 1986 shall be treated in a similar manner as an individual who begins employment as an employee under chapter 89 of title 5, United States Code.

(b) PREEXISTING CONDITION EXCLUSIONS.—

(1) IN GENERAL.—Each contract under this Act may include a preexisting condition exclusion as defined under section 9801(b)(1) of the Internal Revenue Code of 1986.

(2) EXCLUSION PERIOD.—

(A) IN GENERAL.—A preexisting condition exclusion under this subsection shall provide for coverage of a preexisting condition to begin not later than 6 months after the date on which the coverage of the individual under a health benefits plan commences, reduced by 1 month for each month that the individual was covered under a health insurance plan immediately preceding the date the individual submitted an application for coverage under this Act.

(B) LAPSE IN COVERAGE.—For purposes of this paragraph, a lapse in coverage of not more than 63 days immediately preceding the date of the submission of an application for coverage under this Act shall not be considered a lapse in continuous coverage.

(c) RATES AND PREMIUMS.—

(1) IN GENERAL.—Rates charged and premiums paid for a health benefits plan under this Act—

(A) shall be determined in accordance with this subsection;

(B) may be annually adjusted and differ from such rates charged and premiums paid for the same health benefits plan offered under chapter 89 of title 5, United States Code;

(C) shall be negotiated in the same manner as rates and premiums are negotiated under such chapter 89; and

(D) shall be adjusted to cover the administrative costs of the Office under this Act.

(2) DETERMINATIONS.—In determining rates and premiums under this Act, the following provisions shall apply:

(A) IN GENERAL.—A carrier that enters into a contract under this Act shall determine that amount of premiums to assess for coverage under a health benefits plan based on an community rate that may be annually adjusted—

(i) for the geographic area involved if the adjustment is based on geographical divisions that are not smaller than a metropolitan statistical area;

(ii) based on whether such coverage is for an individual, a married individual with no children, or a family; and

(iii) based on the age of covered individuals (subject to subparagraph (B)).

(B) AGE ADJUSTMENTS.—

(i) IN GENERAL.—With respect to subparagraph (A)(iii), in making adjustments based on age, a carrier may not use age brackets in increments that are smaller than 5 years, which begin not earlier than age 30 and end not later than age 65.

(ii) AGE 65 AND OLDER.—With respect to subparagraph (A)(iii), a carrier may develop separate rates for covered individuals who are 65 years of age or older for whom medicare is the primary payor for health benefits coverage which is not covered under medicare.

(iii) LIMITATION.—In making an adjustment to premium rates under subparagraph (A)(iii), a carrier shall ensure that such adjustment does not result in an average premium rate applicable to enrollees under the plan involved that is more than 200 percent of the lowest rate for all age groups.

(d) TERMINATION AND REENROLLMENT.—If an individual who is enrolled in a health benefits plan under this Act terminates the enrollment, the individual shall not be eligible for reenrollment until the first open enrollment period following the expiration of 6 months after the date of such termination.

(e) PREEMPTION.—

(1) HEALTH INSURANCE OR PLANS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the terms of any contract entered into under this Act that relate to the nature, provision, or extent of coverage or benefits shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to the nature, provision, or extent of coverage or benefits.

(B) LOCAL PLANS.—With respect to a contract entered into under this Act under which a carrier will offer health benefits plan coverage in a limited geographic area, subparagraph (A) shall not apply to the extent that a mandated benefit law is in effect in the State in which the plan is offered. Such mandated benefit law shall continue to apply to such health benefits plan.

(C) RATING RULES.—The rating requirements under subsection (c)(2) shall supercede State rating rules for qualified plans under this Act.

(2) LIMITATION.—Nothing in this subsection shall be construed to preempt—

(A) any State or local law or regulation except those laws and regulations described in subparagraphs (A) and (C) of paragraph (1); and

(B) State network adequacy laws.

(f) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the application of the service-charge system used by the Office for determining profits for participating carriers under chapter 89 of title 5, United States Code.

**SEC. 7. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH ADJUSTMENTS FOR RISK.**

(a) APPLICATION OF RISK CORRIDORS.—

(1) IN GENERAL.—This section shall only apply to carriers with respect to health benefits plans offered under this Act during any of calendar years 2006 through 2010.

(2) NOTIFICATION OF COSTS UNDER THE PLAN.—In the case of a carrier that offers a health benefits plan under this Act in any of calendar years 2006 through 2010, the carrier shall notify the Office, before such date in the succeeding year as the Office specifies, of the total amount of costs incurred in providing benefits under the health benefits plan for the year involved and the portion of such costs that is attributable to administrative expenses.

(3) ALLOWABLE COSTS DEFINED.—For purposes of this section, the term ''allowable costs'' means, with respect to a health benefits plan offered by a carrier under this Act, for a year, the total amount of costs described in paragraph (2) for the plan and year, reduced by the portion of such costs attributable to administrative expenses incurred in providing the benefits described in such paragraph.

(b) ADJUSTMENT OF PAYMENT.—

(1) NO ADJUSTMENT IF ALLOWABLE COSTS WITHIN 3 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for a calendar year are at least 97 percent, but do not exceed 103 percent, of the target amount for the plan and year involved, there shall be no payment adjustment under this section for the plan and year.

(2) INCREASE IN PAYMENT IF ALLOWABLE COSTS ABOVE 103 PERCENT OF TARGET AMOUNT.—

(A) COSTS BETWEEN 103 AND 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 103 percent, but not greater than 108 percent, of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier of an amount equal to 75 percent of the difference between such allowable costs and 103 percent of such target amount.

(B) COSTS ABOVE 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 108 percent of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier in an amount equal to the sum of—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between such allowable costs and 108 percent of such target amount.

(3) REDUCTION IN PAYMENT IF ALLOWABLE COSTS BELOW 97 PERCENT OF TARGET AMOUNT.—

(A) COSTS BETWEEN 92 AND 97 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 97 percent, but greater than or equal to 92 percent, of the target amount for the plan and year, the carrier shall be required to pay into the contingency reserve fund maintained under section 8909(b)(2) of title 5, United States Code, an amount equal to 75 percent of the difference between 97 percent of the target amount and such allowable costs.

(B) COSTS BELOW 92 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 92 percent of the target amount for the plan and year, the carrier shall be required to pay into the stabilization fund under section 8909(b)(2) of title 5, United States Code, an amount equal to the sum of—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between 92 percent of such target amount and such allowable costs.

(4) TARGET AMOUNT DESCRIBED.—

(A) IN GENERAL.—For purposes of this subsection, the term ''target amount'' means, with respect to a health benefits plan offered by a carrier under this Act in any of calendar years 2006 through 2010, an amount equal to—

(i) the total of the monthly premiums estimated by the carrier and approved by the Office to be paid for enrollees in the plan under this Act for the calendar year involved; reduced by

(ii) the amount of administrative expenses that the carrier estimates, and the Office approves, will be incurred by the carrier with respect to the plan for such calendar year.

(B) SUBMISSION OF TARGET AMOUNT.—Not later than December 31, 2005, and each December 31 thereafter through calendar year 2009, a carrier shall submit to the Office a description of the target amount for such carrier with respect to health benefits plans provided by the carrier under this Act.

(c) DISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—Each contract under this Act shall provide—

(A) that a carrier offering a health benefits plan under this Act shall provide the Office with such information as the Office determines is necessary to carry out this subsection including the notification of costs under subsection (a)(2) and the target amount under subsection (b)(4)(B); and

(B) that the Office has the right to inspect and audit any books and records of the organization that pertain to the information regarding costs provided to the Office under such subsections.

(2) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to the provisions of this subsection may be used by officers, employees, and contractors of the Office only for the purposes of, and to the extent necessary in, carrying out this section.

**SEC. 8. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH REINSURANCE.**

(a) ESTABLISHMENT.—The Office shall establish a reinsurance fund to provide payments to carriers that experience one or more catastrophic claims during a year for health benefits provided to individuals enrolled in a health benefits plan under this Act.

(b) ELIGIBILITY FOR PAYMENTS.—To be eligible for a payment from the reinsurance fund for a plan year, a carrier under this Act shall submit to the Office an application that contains—

(1) a certification by the carrier that the carrier paid for at least one episode of care during the year for covered health benefits for an individual in an amount that is in excess of $50,000; and

(2) such other information determined appropriate by the Office.

(c) PAYMENT.—

(1) IN GENERAL.—The amount of a payment from the reinsurance fund to a carrier under this section for a catastrophic episode of care shall be determined by the Office but shall not exceed an amount equal to 80 percent of the applicable catastrophic claim amount.

(2) APPLICABLE CATASTROPHIC CLAIM AMOUNT.—For purposes of paragraph (1), the applicable catastrophic episode of care amount shall be equal to the difference between—

(A) the amount of the catastrophic claim; and

(B) $50,000.

(3) LIMITATION.—In determining the amount of a payment under paragraph (1), if the amount of the catastrophic claim exceeds the amount that would be paid for the healthcare items or services involved under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the Office shall use the amount that would be paid under such title XVIII for purposes of paragraph (2)(A).

(d) DEFINITION.—In this section, the term ''catastrophic claim'' means a claim submitted to a carrier, by or on behalf of an enrollee in a health benefits plan under this Act, that is in excess of $50,000.

**SEC. 9. CONTINGENCY RESERVE FUND.**

Beginning on October 1, 2010, the Office may use amounts appropriated under section 14(a) that remain unobligated to establish a contingency reserve fund to provide assistance to carriers offering health benefits plans under this Act that experience unanticipated financial hardships (as determined by the Office).

**SEC. 10. EMPLOYER PARTICIPATION.**

(a) REGULATIONS.—The Office shall prescribe regulations providing for employer participation under this Act, including the offering of health benefits plans under this Act to employees.

(b) ENROLLMENT AND OFFERING OF OTHER COVERAGE.—

(1) ENROLLMENT.—A participating employer shall ensure that each eligible employee has an opportunity to enroll in a plan under this Act.

(2) PROHIBITION ON OFFERING OTHER COMPREHENSIVE HEALTH BENEFIT COVERAGE.—A participating employer may not offer a health insurance plan providing comprehensive health benefit coverage to employees other than a health benefits plan that—

(A) meets the requirements described in section 4(a); and

(B) is offered only through the enrollment process established by the Office under section 3.

(3) OFFER OF SUPPLEMENTAL COVERAGE OPTIONS.—

(A) IN GENERAL.—A participating employer may offer supplementary coverage options to employees.

(B) DEFINITION.—In subparagraph (A), the term ''supplementary coverage'' means benefits described as ''excepted benefits'' under section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg-91(c)).

(c) RULE OF CONSTRUCTION.—Except as provided in section 15, nothing in this Act shall be construed to require that an employer make premium contributions on behalf of employees.

**SEC. 11. ADMINISTRATION THROUGH REGIONAL ADMINISTRATIVE ENTITIES.**

(a) IN GENERAL.—In order to provide for the administration of the benefits under this Act with maximum efficiency and convenience for participating employers and health care providers and other individuals and entities providing services to such employers, the Office is authorized to enter into contracts with eligible entities to perform, on a regional basis, one or more of the following:

(1) Collect and maintain all information relating to individuals, families, and employers participating in the program under this Act in the region served.

(2) Receive, disburse, and account for payments of premiums to participating employers by individuals in the region served, and for payments by participating employers to carriers.

(3) Serve as a channel of communication between carriers, participating employers, and individuals relating to the administration of this Act.

(4) Otherwise carry out such activities for the administration of this Act, in such manner, as may be provided for in the contract entered into under this section.

(5) The processing of grievances and appeals.

(b) APPLICATION.—To be eligible to receive a contract under subsection (a), an entity shall prepare and submit to the Office an application at such time, in such manner, and containing such information as the Office may require.

(c) PROCESS.—

(1) COMPETITIVE BIDDING.—All contracts under this section shall be awarded through a competitive bidding process on a bi-annual basis.

(2) REQUIREMENT.—No contract shall be entered into with any entity under this section unless the Office finds that such entity will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as the Office finds pertinent.

(3) PUBLICATION OF STANDARDS AND CRITERIA.—The Office shall publish in the Federal Register standards and criteria for the efficient and effective performance of contract obligations under this section, and opportunity shall be provided for public comment prior to implementation. In establishing such standards and criteria, the Office shall provide for a system to measure an entity's performance of responsibilities.

(4) TERM.—Each contract under this section shall be for a term of at least 1 year, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term, except that the Office may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the entity involved as the Office may provide in regulations) if the Office finds that the entity has failed substantially to carry out the contract or is carrying out the contract in a manner inconsistent with the efficient and effective administration of the program established by this Act.

(d) TERMS OF CONTRACT.—A contract entered into under this section shall include—

(1) a description of the duties of the contracting entity;

(2) an assurance that the entity will furnish to the Office such timely information and reports as the Office determines appropriate;

(3) an assurance that the entity will maintain such records and afford such access thereto as the Office finds necessary to assure the correctness and verification of the information and reports under paragraph (2) and otherwise to carry out the purposes of this Act;

(4) an assurance that the entity shall comply with such confidentiality and privacy protection guidelines and procedures as the Office may require; and

(5) such other terms and conditions not inconsistent with this section as the Office may find necessary or appropriate.

**SEC. 12. COORDINATION WITH SOCIAL SECURITY BENEFITS.**

Benefits under this Act shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, be offered (for use in coordination with those medicare benefits) to the same extent and in the same manner as if coverage were under chapter 89 of title 5, United States Code.

**SEC. 13. PUBLIC EDUCATION CAMPAIGN.**

(a) IN GENERAL.—In carrying out this Act, the Office shall develop and implement an educational campaign to provide information to employers and the general public concerning the health insurance program developed under this Act.

(b) ANNUAL PROGRESS REPORTS.—Not later than 1 year and 2 years after the implementation of the campaign under subsection (a), the Office shall submit to the appropriate committees of Congress a report that describes the activities of the Office under subsection (a), including a determination by the office of the percentage of employers with knowledge of the health benefits programs provided for under this Act.

(c) PUBLIC EDUCATION CAMPAIGN.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 and 2007.

**SEC. 14. APPROPRIATIONS.**

(a) MANDATORY APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to carry out sections 7 and 8—

(1) $4,000,000,000 for fiscal year 2006;
(2) $4,000,000,000 for fiscal year 2007;
(3) $4,000,000,000 for fiscal year 2008;
(4) $3,000,000,000 for fiscal year 2009; and
(5) $3,000,000,000 for fiscal year 2010.

(b) OTHER APPROPRIATIONS.—There are authorized to be appropriated to the Office, such sums as may be necessary in each fiscal year for the development and administration of the program under this Act.

**SEC. 15. REFUNDABLE CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.**

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and inserting after section 35 the following new section:

**''SEC. 36. SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.**

''(a) DETERMINATION OF AMOUNT.—In the case of a qualified small employer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of—

''(1) the expense amount described in subsection (b), and

''(2) the expense amount described in subsection (c), paid by the taxpayer during the taxable year.

''(b) SUBSECTION (b) EXPENSE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The expense amount described in this subsection is the applicable percentage of the amount of qualified employee health insurance expenses of each qualified employee.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The applicable percentage is equal to—

''(i) 25 percent in the case of self-only coverage,

''(ii) 35 percent in the case of family coverage (as defined in section 220(c)(5)), and

''(iii) 30 percent in the case of coverage for married adults with no children.

''(B) BONUS FOR PAYMENT OF GREATER PERCENTAGE OF PREMIUMS.—The applicable percentage otherwise specified in subparagraph (A) shall be increased by 5 percentage points for each additional 10 percent of the qualified employee health insurance expenses of each qualified employee exceeding 60 percent which are paid by the qualified small employer.

''(c) SUBSECTION (c) EXPENSE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The expense amount described in this subsection is, with respect to the first credit year of a qualified small employer which is an eligible employer, 10 percent of the qualified employee health insurance expenses of each qualified employee.

''(2) FIRST CREDIT YEAR.—For purposes of paragraph (1), the term 'first credit year' means the taxable year which includes the date that the health insurance coverage to which the qualified employee health insurance expenses relate becomes effective.

''(3) ELIGIBLE EMPLOYER.—For purposes of paragraph (1), the term 'eligible employer' shall not include a qualified small employer if, during the 3-taxable year period immediately preceding the first credit year, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained health insurance coverage for substantially the same employees as are the qualified employees to which the qualified employee health insurance expenses relate.

''(d) LIMITATION BASED ON WAGES.—

''(1) IN GENERAL.—The percentage which would (but for this subsection) be taken into account as the percentage for purposes of subsection (b)(2) or (c)(1) for the taxable year shall be reduced (but not below zero) by the percentage determined under paragraph (2).

''(2) AMOUNT OF REDUCTION.—

''(A) IN GENERAL.—The percentage determined under this paragraph is the percentage which bears the same ratio to the percentage which would be so taken into account as—

''(i) the excess of—

''(I) the qualified employee's wages at an annual rate during such taxable year, over

''(II) $25,000, bears to

''(ii) $5,000.

''(B) ANNUAL ADJUSTMENT.—For each taxable year after 2006, the dollar amounts specified for the preceding taxable year (after the application of this subparagraph) shall be increased by the same percentage as the average percentage increase in premiums under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code for the calendar year in which such taxable year begins over the preceding calendar year.

''(e) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED SMALL EMPLOYER.—The term 'qualified small employer' means any employer (as defined in section 2(b)(2) of the Small Employers Health Benefits Program Act of 2005) which—

''(A) is a participating employer (as defined in section 2(b)(5) of such Act), and

''(B) pays or incurs at least 60 percent of the qualified employee health insurance expenses of each qualified employee.

''(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

''(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid by an employer for health insurance coverage under such Act to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

''(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

''(3) QUALIFIED EMPLOYEE.—

''(A) IN GENERAL.—The term 'qualified employee' means, with respect to any period, an employee (as defined in section 2(b)(1) of such Act) of an employer if the total amount of wages paid or incurred by such employer to such employee at an annual rate during the taxable year exceeds $5,000.

''(B) WAGES.—The term 'wages' has the meaning given such term by section 3121(a) (determined without regard to any dollar limitation contained in such section).

''(f) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

''(g) CREDITS FOR NONPROFIT ORGANIZATIONS.—Any credit which would be allowable under subsection (a) with respect to a qualified small business if such qualified small business were not exempt from tax under this chapter shall be treated as a credit allowable under this subpart to such qualified small business.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36 of such Code''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

''Sec. 36 Small business employee health insurance expenses

''Sec. 37 Overpayments of tax''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2005.

**SEC. 16. EFFECTIVE DATE.**

Except as provided in section 10(e), this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to calendar year 2006 and each calendar year thereafter.

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By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. LIEBERMAN, and Mr. OBAMA):

S. 875. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Save More for Retirement Act of 2005 with my colleagues Senator SNOWE, Senator LIEBERMAN and Senator OBAMA. This legislation is designed to achieve two important savings goals. First, it will encourage workers who are not currently participating in their employer's retirement plan to do so. Second, it will encourage workers who are currently investing in 401(k) plans to save even more. At a time when national savings is at a near all-time low, Congress needs to look at ways to expand retirement savings, particularly savings garnered through an employer-provided retirement plan. This legislation is a commonsense approach that is based on research undertaken and compiled by a host of retirement policy experts from both academia and business. It is imperative that the Congress continues to look for new and innovative ways to help workers save for their retirement through the existing employer-provided plan system. This legislation accomplishes that goal by creating incentives for employers to modify their existing plans to add features that have been proven to increase savings.

The first step is to encourage employers to add a feature to its 401(k) or similar plans to enroll its employees in the plan upon being hired unless the employee notifies the employer that he or she does not want to participate in the plan. The decision to participate still rests entirely with the employees, as they can opt out before participation begins or at any time afterward. Although some employers do offer these types of plans now, most maintain a more traditional structure under which the employee must opt into participating. Studies have indicated that such a seemingly minor change in how employees are enrolled can dramatically increase participation rates. It has been reported that one large company experienced an increase in employee participation in their retirement plan of 50 percent once the features were changed to automatically enroll its employees. Clearly the first step towards increasing our national savings rate is to get more people saving.

Obviously the second step is to get those who are saving to set aside even more for their retirement years. For this reason, the legislation would encourage plans to add a feature that increases employees' contributions annually until it reaches at least 10 percent of the employees' compensation. Again, studies have repeatedly demonstrated that people are more likely to agree to save more in the future than they currently do. It has also been demonstrated that people are more likely to agree to save more in the future if they make the decision today and do not wait until future years to make that decision. In our legislation, the employee can stop a future increase or change the contribution rate. The employer has the discretion to tie these automatic increases to either an annual increase or to increases in salary or compensation. This is closely modeled on the Save More Tomorrow, SMarT, plan advocated by Shlomo Benartzi from UCLA and Richard Thaler from the University of Chicago. These behavioral finance experts claim that although participants in this plan may start saving at a lower rate—3.5 percent—than the average, within 4 years increases averaged 13.6 percent—a greater than 10 percent increase. Compared to the control group saving rate of slightly more than 8 percent of their compensation, the end result is quite extraordinary.

To encourage employers to make these two changes to the plan, the legislation creates a new safe harbor that, if all the criteria are met, treats the plan as being nondiscriminatory. In order to qualify for the safe harbor, the employer must provide either a nonelective match of 3 percent of the employee's compensation or an elective match of 50 percent of the first 7 percent of the employee's compensation. These criteria can be met also if the employer contributes a comparable amount to another qualified plan for the same employees. The employer must also allow its contributions to vest in either 2 years, if the employer enrolls the employees in its pension plan before the employees' first paycheck, or in 1 year if the employer enrolls the employees within the first quarter of being hired. It is important to note that both of these vesting periods are shorter than current law allows and are comparable to what employers can do under the existing safe harbor.

Finally, in an effort to help ensure employees are invested wisely, the legislation directs the Department of Labor to provide guidance for employers in selecting ''default'' investments so that employers have options besides money market accounts and investment contracts. A default investment is the investment that is made when

employees fail to indicate how they would like their retirement savings invested. Due to liability concerns, retirement plans tend to invest these funds in either investment contracts or money market accounts. The benefit of compounding interest that would occur with even modest returns in broad-based funds that have an equity component is lost. This guidance will not allow employers to make default investment decisions that are risky or put the employee's retirement at risk. It is important to note that the employee always retains the ability to invest the funds differently in other investment options offered by the plan if they do not like the default investment offered by the employer.

I thank all of those who have done considerable research into the impact of human behavior on savings, which was quite instrumental to the drafting of this legislation. I look forward to continuing to work with them and others interested in this new approach to addressing our Nation's savings problems.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 875

*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 ''Save More for Retirement Act of 2005''.

**SEC. 2. INCREASING PARTICIPATION IN CASH OR DEFERRED PLANS THROUGH AUTOMATIC CONTRIBUTION ARRANGEMENTS.**

(a) IN GENERAL.—Section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangement) is amended by adding at the end the following new paragraph:

''(13) NONDISCRIMINATION REQUIREMENTS FOR AUTOMATIC CONTRIBUTION TRUSTS.—

''(A) IN GENERAL.—A cash or deferred arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii) if such arrangement constitutes an automatic contribution trust.

''(B) AUTOMATIC CONTRIBUTION TRUST.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'automatic contribution trust' means an arrangement—

''(I) except as provided in clauses (ii) and (iii), under which each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to the applicable percentage of the employee's compensation, and

''(II) which meets the requirements of subparagraphs (C), (D), (E), and (F).

''(ii) EXCEPTION FOR EXISTING EMPLOYEES.—In the case of any employee—

''(I) who was eligible to participate in the arrangement (or a predecessor arrangement) immediately before the first date on which the arrangement is an automatic contribution trust, and

''(II) whose rate of contribution immediately before such first date was less than the applicable percentage for the employee,

clause (i)(I) shall not apply to such employee until the date which is 1 year after such first date (or such earlier date as the employee may elect).

''(iii) ELECTION OUT.—Each employee eligible to participate in the arrangement may specifically elect not to have contributions made under clause (i), and such clause shall cease to apply to compensation paid on or after the effective date of the election.

''(iv) APPLICABLE PERCENTAGE.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'applicable percentage' means, with respect to any employee, the percentage (not less than 3 percent) determined under the arrangement.

''(II) INCREASE IN PERCENTAGE.—In the case of the second plan year beginning after the first date on which the election under clause (i)(I) is in effect with respect to the employee and any succeeding plan year, the applicable percentage shall be a percentage (not greater than 10 percent or such higher percentage specified by the plan) equal to the sum of the applicable percentage for the employee as of the close of the preceding plan year plus 1 percentage point (or such higher percentage specified by the plan). A plan may elect to provide that, in lieu of any increase under the preceding sentence, the increase in the applicable percentage required under this subclause shall occur after each increase in compensation an employee receives on or after the first day of such second plan year and that the applicable percentage after each such increase in compensation shall be equal to the applicable percentage for the employee immediately before such increase in compensation plus 1 percentage point (or such higher percentage specified by the plan).

''(C) MATCHING OR NONELECTIVE CONTRIBUTIONS.—

''(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, the employer—

''(I) makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to 50 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 7 percent of compensation; or

''(II) is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 3 percent of the employee's compensation,

The rules of clauses (ii) and (iii) of paragraph (12)(B) shall apply for purposes of subclause (I). The rules of paragraph (12)(E)(ii) shall apply for purposes of subclauses (I) and (II).

''(ii) OTHER PLANS.—An arrangement shall be treated as meeting the requirements under clause (i) if any other plan maintained by the employer meets such requirements with respect to employees eligible under the arrangement.

''(D) NOTICE REQUIREMENTS.—

''(i) IN GENERAL.—The requirements of this subparagraph are met if the requirements of clauses (ii) and (iii) are met.

''(ii) REASONABLE PERIOD TO MAKE ELECTION.—The requirements of this clause are met if each employee to whom subparagraph (B)(i) applies—

''(I) receives a notice explaining the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf, and how contributions made under the arrangement will be invested in the absence of any investment election by the employee, and

''(II) has a reasonable period of time after receipt of such notice and before the first elective contribution is made to make such election.

''(iii) ANNUAL NOTICE OF RIGHTS AND OBLIGATIONS.—The requirements of this clause are met if each employee eligible to participate in the arrangement is, within a reasonable period before any year (or if the plan elects to change the applicable percentage after any increase in compensation, before the increase), given notice of the employee's rights and obligations under the arrangement.

The requirements of clauses (i) and (ii) of paragraph (12)(D) shall be met with respect to the notices described in clauses (ii) and (iii) of this subparagraph.

''(E) PARTICIPATION, WITHDRAWAL, AND VESTING REQUIREMENTS.—The requirements of this subparagraph are met if—

''(i) the arrangement requires that each employee eligible to participate in the arrangement (determined without regard to any minimum service requirement otherwise applicable under section 410(a) or the plan) commences participation in the arrangement no later than the 1st day of the 1st calendar quarter following the date on which employee first becomes so eligible,

''(ii) the withdrawal requirements of paragraph (2)(B) are met with respect to all employer contributions (including matching and elective contributions) taken into account in determining whether the arrangement meets the requirements of subparagraph (C), and

''(iii) the arrangement requires that an employee's right to the accrued benefit derived from employer contributions described in clause (ii) (other than elective contributions) is nonforfeitable after the employee has completed—

''(I) at least 1 year of service, or

''(II) in the case of an employee who is eligible to participate in the arrangement as of the first day on which the employee begins employment with the employer maintaining the arrangement, at least 2 years of service.

''(F) CERTAIN WITHDRAWALS MUST BE ALLOWED.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subsection, the requirements of this subparagraph are met if the arrangement allows employees to elect to withdraw elective contributions described in subparagraph (B)(i) (and earnings attributable thereto) from the cash or deferred arrangement in accordance with the provisions of this subparagraph.

''(ii) TIME FOR MAKING ELECTION.—Clause (i) shall not apply to an election by an employee unless the election is made no later than the close of the latest of the following payroll periods occurring after the first payroll period to which the automatic enrollment system applies to the employee:

''(I) The payroll period in which the aggregate elective contributions made under subparagraph (B)(i) first exceed $500.

''(II) The second payroll period following such first payroll period.

''(III) The first payroll period which begins at least one month after the close of the first payroll period to which the automatic enrollment system applies.

''(iii) AMOUNT OF DISTRIBUTION.—Clause (i) shall not apply to any election by an employee unless the amount of any distribution by reason of the election is equal to the amount of elective contributions made with respect to the first payroll period to which the automatic enrollment system applies to the employee and any succeeding payroll period beginning before the effective date of the election (and earnings attributable thereto).

''(iv) TREATMENT OF DISTRIBUTION.—In the case of any distribution to an employee pursuant to an election under clause (i)—

''(I) the amount of such distribution shall be includible in the gross income of the employee for the taxable year of the employee in which the distribution is made, and

''(II) no tax shall be imposed under section 72(t) with respect to the distribution.

''(v) EMPLOYER MATCHING CONTRIBUTIONS.—In the case of any distribution to an employee by reason of an election under clause (i), employer matching contributions shall be forfeited or subject to such other treatment as the Secretary may prescribe.''

(b) MATCHING CONTRIBUTIONS.—Section 401(m) of the Internal Revenue Code of 1986 (relating to nondiscrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

''(12) ALTERNATE METHOD FOR AUTOMATIC CONTRIBUTION TRUSTS.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

''(A) meets the contribution requirements of subparagraphs (B)(i) and (C) of subsection (k)(13);

''(B) meets the notice requirements of subparagraph (D) of subsection (k)(13); and

''(C) meets the requirements of paragraph (11)(B) (ii) and (iii).''.

(c) EXCLUSION FROM DEFINITION OF TOP-HEAVY PLANS.—

(1) ELECTIVE CONTRIBUTION RULE.—Clause (i) of section 416(g)(4)(H) of the Internal Revenue Code of 1986 is amended by inserting ''or 401(k)(13)'' after ''section 401(k)(12)''.

(2) MATCHING CONTRIBUTION RULE.—Clause (ii) of section 416(g)(4)(H) of such Code is amended by inserting ''or 401(m)(12)'' after ''section 401(m)(11)''.

(d) DEFINITION OF COMPENSATION.—

(1) BASE PAY OR RATE OF PAY.—The Secretary of the Treasury shall, no later than December 31, 2006, modify Treasury Regulation section 1.414(s)–1(d)(3) to facilitate the use of the safe harbors in sections 401(k)(12), 401(k)(13), 401(m)(11), and 401(m)(12) of the Internal Revenue Code of 1986, and in Treasury Regulation section 1.401(a)(4)–3(b), by plans that use base pay or rate of pay in determining contributions or benefits. Such modifications shall include increased flexibility in satisfying section 414(s) of such Code in any case where the amount of overtime compensation payable in a year can vary significantly.

(2) APPLICATION OF REQUIREMENTS TO SEPARATE PAYROLL PERIODS.—Not later than December 31, 2006, the Secretary of the Treasury shall issue rules under subparagraphs (B)(i) and (C)(i) of section 401(k)(13) of such Code and under clause (i) of section 401(m)(12)(A) of such Code that, effective for plan years beginning after December 31, 2006, permit such requirements to be applied separately to separate payroll periods based on rules similar to the rules described in Treasury Regulation sections 1.401(k)–3(c)(5)(ii) and 1.401(m)–3(d)(4).

(e) SECTION 403(b) CONTRACTS.—Paragraph (11) of section 401(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(C) SECTION 403(b) CONTRACTS.—An annuity contract under section 403(b) shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if such contract meets requirements similar to the requirements under subparagraph (A).''.

(f) PREEMPTION OF CONFLICTING STATE REGULATION.—Section 514 of the Employee Retirement Income Security of 1974 (29 U.S.C. 1144) is amended by inserting at the end the following new subsection:

''(e) AUTOMATIC CONTRIBUTION ARRANGEMENTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, any law of a State shall be superseded if it would directly or indirectly prohibit or restrict the inclusion in any plan of an eligible automatic contribution arrangement.

''(2) ELIGIBLE AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this subsection, the term 'eligible automatic contribution arrangement' means an arrangement—

''(A) under which a participant may elect to have the employer make payments as contributions under the plan on behalf of the participant, or to the participant directly in cash,

''(B) under which the participant is treated as having elected to have the employer make such contributions in an amount equal to a uniform percentage of compensation provided under the plan until the participant specifically elects not to have such contributions made (or specifically elects to have such contributions made at a different percentage),

''(C) under which contributions described in subparagraph (B) are invested in accordance with regulations prescribed by the Secretary under section 404(c)(4), and

''(D) which meets the requirements of paragraph (3).

''(3) NOTICE REQUIREMENTS.—

''(A) IN GENERAL.—The administrator of an individual account plan shall, within a reasonable period before each plan year, give to each employee to whom an arrangement described in paragraph (2) applies for such plan year notice of the employee's rights and obligations under the arrangement which—

''(i) is sufficiently accurate and comprehensive to apprise the employee of such rights and obligations, and

''(ii) is written in a manner calculated to be understood by the average employee to whom the arrangement applies.

''(B) TIME AND FORM OF NOTICE.—A notice shall not be treated as meeting the requirements of subparagraph (A) with respect to an employee unless—

''(i) the notice includes a notice explaining the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf (or to elect to have such contributions made at a different percentage),

''(ii) the employee has a reasonable period of time after receipt of the notice described in clause (i) and before the first elective contribution is made to make such election, and

''(iii) the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the employee.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) SECTION 403(b) CONTRACTS.—The amendments made by subsection (e) shall apply to years ending after the date of the enactment of this Act.

**SEC. 3. TREATMENT OF INVESTMENT OF ASSETS BY PLAN WHERE PARTICIPANT FAILS TO EXERCISE INVESTMENT ELECTION.**

(a) IN GENERAL.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following new paragraph:

''(4) DEFAULT INVESTMENT ARRANGEMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), a participant in an individual account plan meeting the notice requirements of subparagraph (B) shall be treated as exercising control over the assets in the account with respect to the amount of contributions and earnings which, in the absence of an investment election by the participant, are invested by the plan in accordance with regulations prescribed by the Secretary. The regulations under this subparagraph shall provide guidance on the appropriateness of designating default investments that include a mix of asset classes consistent with long-term capital appreciation.

''(B) NOTICE REQUIREMENTS.—

''(i) IN GENERAL.—The requirements of this subparagraph are met if each participant—

''(I) receives, within a reasonable period of time before each plan year, a notice explaining the employee's right under the plan to designate how contributions and earnings will be invested and explaining how, in the absence of any investment election by the participant, such contributions and earnings will be invested, and

''(II) has a reasonable period of time after receipt of such notice and before the beginning of the plan year to make such designation.

''(ii) FORM OF NOTICE.—The requirements of clauses (i) and (ii) of section 401(k)(12)(D) of the Internal Revenue Code of 1986 shall be met with respect to the notices described in this subparagraph.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) REGULATIONS.—Final regulations under section 404(c)(4)(A) of the Employee Retirement Income Security Act of 1974 (as added by this section) shall be issued no later than 6 months after the date of the enactment of this Act.

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By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. KENNEDY, and Mr. HARKIN):

S. 876. A bill to prohibit human cloning and protect stem cell research; to the Committee on the Judiciary.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Mr. HATCH. Mr. President, I am very pleased to join with Senators FEINSTEIN, SPECTER, KENNEDY, and HARKIN to introduce the Human Cloning Ban and Stem Cell Research Protection Act of 2005. This bill could help usher in the next great era of medical treatment. At the same time, it will criminalize the offensive practice of reproductive cloning.

If you remember when Jonas Salk discovered the polio vaccine, you will recall what a revolutionary step that was, to be able to stop ravaging diseases before they hit their victims. It led to a whole new way of practicing medicine and paved the way for the vaccines and treatments that we take for granted today.

I believe we are on the verge of a similar step, a new generation in medical research and treatment, thanks to the incredible potential of stem cells. Stem cell research—particularly, embryonic stem cell research—holds great promise. To quote Nobel Laureate Dr. Harold Varmus, ''The development of cell lines that may produce almost every tissue of the human body is an unprecedented scientific breakthrough. It is not too unrealistic to say that this research has the potential to revolutionize the practice of medicine and improve the quality and length of life.''

As Dr. Varmus noted, embryonic stem cells appear to have the amazing potential to transform themselves into any of the more than 200 types of cells that form the human body. These cells

could be the key to understanding much about human health and disease and may yield new diagnostic tests, treatments, and cures for diseases such as diabetes, cancer, heart disease, Parkinson's, autoimmune diseases, and many, many others.

Stem cell research could potentially be the scientific advance that takes the practice of medicine not just to the next level, but to five or ten levels above and beyond. Like my colleagues, I believe there is an urgent need for uniformity in the rules governing stem cell research in America. But let me just stress one aspect of that need: ethics. Without the National Institutes of Health setting the ethical guidelines for stem cell research, we invite a host of problems. Most of us feel strongly that human reproductive cloning is wrong, for example. But where should the lines be drawn with regard to embryonic stem cell research—particularly, somatic cell nuclear transfer and the use of cell lines derived from IVF embryos?

The NIH is the obvious and crucial choice to help set the ethical boundaries. Our bill will ban outright any attempt at bringing to life a cloned human being. It will also prohibit research on any embryo created through somatic cell nuclear transfer beyond 14 days, require informed consent of donors, prohibit profiteering from donated eggs, and mandate separation of the egg collection site from the research laboratory.

The NIH will help determine other suitable ethical guidelines in allowing this critical research to go forward with Federal funding and at federally-funded institutions. There is no question in my mind that, when they do, the rest of the world will follow.

Now, the last time we introduced this bill, there was interest in the fact that I, as a strongly pro-life senator, would be the lead sponsor. I think we have put that issue behind us, as more pro-life lawmakers have expressed their support for this research. The fact is, I have never believed that life begins in a Petri dish. And as I travel across my home State of Utah, more and more Utahns, whether they are pro-life or not, come up to me and say, ''ORRIN, we're with you on this. You're doing the right thing.''

That support is building across the country, and we must act. If we do not seize this opportunity, other countries could take the leading role in medicine's next great advance. We will lose the chance to set ethical guidelines, we will lose doctors to overseas research institutions, and most importantly, we will lose the chance to offer new hope to American and other patients who are waiting in desperation for treatments and cures.

I urge the Senate to take up and pass this bill, and I look forward to the work ahead.

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. 876

*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 ''Human Cloning Ban and Stem Cell Research Protection Act of 2005''.

**SEC. 2. PURPOSES.**

It is the purpose of this Act to prohibit human cloning and to protect important areas of medical research, including stem cell research.

**TITLE I—PROHIBITION ON HUMAN CLONING**

**SEC. 101. PROHIBITION ON HUMAN CLONING.**

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

''CHAPTER 16—PROHIBITION ON HUMAN CLONING

''301. Prohibition on human cloning

**''§ 301. Prohibition on human cloning**

''(a) DEFINITIONS.—In this section:

''(1) HUMAN CLONING.—The term 'human cloning' means implanting or attempting to implant the product of nuclear transplantation into a uterus or the functional equivalent of a uterus.

''(2) HUMAN SOMATIC CELL.—The term 'human somatic cell' means any human cell other than a haploid germ cell.

''(3) NUCLEAR TRANSPLANTATION.—The term 'nuclear transplantation' means transferring the nucleus of a human somatic cell into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

''(4) NUCLEUS.—The term 'nucleus' means the cell structure that houses the chromosomes.

''(5) OOCYTE.—The term 'oocyte' means the female germ cell, the egg.

''(6) UNFERTILIZED BLASTOCYST.—The term 'unfertilized blastocyst' means an intact cellular structure that is the product of nuclear transplantation. Such term shall not include stem cells, other cells, cellular structures, or biological products derived from an intact cellular structure that is the product of nuclear transplantation.

''(b) PROHIBITIONS ON HUMAN CLONING.—It shall be unlawful for any person or other legal entity, public or private—

''(1) to conduct or attempt to conduct human cloning;

''(2) to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning in the United States or elsewhere; or

''(3) to export to a foreign country an unfertilized blastocyst if such country does not prohibit human cloning.

''(c) PROTECTION OF RESEARCH.—Nothing in this section shall be construed to restrict practices not expressly prohibited in this section.

''(d) PENALTIES.—

''(1) CRIMINAL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be fined under this title and imprisoned not more than 10 years.

''(2) CIVIL PENALTIES.—Whoever intentionally violates paragraph (1), (2), or (3) of subsection (b) shall be subject to a civil penalty of $1,000,000 or three times the gross pecuniary gain resulting from the violation, whichever is greater.

''(3) FORFEITURE.—Any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of subsection (b), or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 46 of title 18, United States Code.

''(e) RIGHT OF ACTION.—Nothing in this section shall be construed to give any individual or person a private right of action.''.

**SEC. 102. OVERSIGHT REPORTS ON ACTIONS TO ENFORCE CERTAIN PROHIBITIONS.**

(a) REPORT ON ACTIONS BY ATTORNEY GENERAL TO ENFORCE CHAPTER 16 OF TITLE 18.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the actions taken by the Attorney General to enforce the provisions of chapter 16 of title 18, United States Code (as added by section 101);

(2) describes the personnel and resources the Attorney General has utilized to enforce the provisions of such chapter; and

(3) contain a list of any violations, if any, of the provisions of such chapter 16.

(b) REPORT ON ACTIONS OF STATE ATTORNEYS GENERAL TO ENFORCE SIMILAR STATE LAWS.—

(1) DEFINITION.—In this subsection and subsection (c), the term ''similar State law relating to human cloning'' means a State or local law that provides for the imposition of criminal penalties on individuals who are determined to be conducting or attempting to conduct human cloning (as defined in section 301 of title 18, United States Code (as added by section 101)).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(A) describes any similar State law relating to human cloning;

(B) describes the actions taken by the State attorneys general to enforce the provisions of any similar State law relating to human cloning;

(C) contains a list of violations, if any, of the provisions of any similar State law relating to human cloning; and

(D) contains a list of any individual who, or organization that, has violated, or has been charged with violating, any similar State law relating to human cloning.

(c) REPORT ON COORDINATION OF ENFORCEMENT ACTIONS AMONG THE FEDERAL AND STATE AND LOCAL GOVERNMENTS WITH RESPECT TO HUMAN CLONING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that

(1) describes how the Attorney General coordinates the enforcement of violations of chapter 16 of title 18, United States Code (as added by section 101), with enforcement actions taken by State or local government law enforcement officials with respect to similar State laws relating to human cloning; and

(2) describes the status and disposition of—

(A) Federal appellate litigation with respect to such chapter 16 and State appellate litigation with respect to similar State laws relating to human cloning; and

(B) civil litigation, including actions to appoint guardians, related to human cloning.

(d) REPORT ON INTERNATIONAL LAWS RELATING TO HUMAN CLONING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes the laws adopted by foreign countries related to human cloning;

(2) describes the actions taken by the chief law enforcement officer in each foreign country that has enacted a law described in paragraph (1) to enforce such law; and

(3) describes the multilateral efforts of the United Nations and elsewhere to ban human cloning.

**TITLE II—ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH**

**SEC. 201. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH.**

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''PART J—ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH

**''SEC. 499A. ETHICAL REQUIREMENTS FOR NUCLEAR TRANSPLANTATION RESEARCH, INCLUDING INFORMED CONSENT, INSTITUTIONAL REVIEW BOARD REVIEW, AND PROTECTION FOR SAFETY AND PRIVACY.**

''(a) DEFINITIONS.—

''(1) IN GENERAL.—The definitions contained in section 301(a) of title 18, United States Code, shall apply for purposes of this section.

''(2) OTHER DEFINITIONS.—In this section:

''(A) DONATING.—The term 'donating' means giving without receiving valuable consideration.

''(B) FERTILIZATION.—The term 'fertilization' means the fusion of an oocyte containing a haploid nucleus with a male gamete (sperm cell).

''(C) VALUABLE CONSIDERATION.—The term 'valuable consideration' does not include reasonable payments—

''(i) associated with the transportation, processing, preservation, or storage of a human oocyte or of the product of nuclear transplantation research; or

''(ii) to compensate a donor of one or more human oocytes for the time or inconvenience associated with such donation.

''(b) APPLICABILITY OF FEDERAL ETHICAL STANDARDS TO NUCLEAR TRANSPLANTATION RESEARCH.—Research involving nuclear transplantation shall be conducted in accordance with subpart A of part 46 of title 45, or parts 50 and 56 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the Human Cloning Ban and Stem Cell Research Protection Act of 2003), as applicable:

''(c) PROHIBITION ON CONDUCTING NUCLEAR TRANSPLANTATION ON FERTILIZED EGGS.—A somatic cell nucleus shall not be transplanted into a human oocyte that has undergone or will undergo fertilization.

''(d) FOURTEEN-DAY RULE.—An unfertilized blastocyst shall not be maintained after more than 14 days from its first cell division, not counting any time during which it is stored at temperatures less than zero degrees centigrade.

''(e) VOLUNTARY DONATION OF OOCYTES.—

''(1) INFORMED CONSENT.—In accordance with subsection (b), an oocyte may not be used in nuclear transplantation research unless such oocyte shall have been donated voluntarily by and with the informed consent of the woman donating the oocyte.

''(2) PROHIBITION ON PURCHASE OR SALE.—No human oocyte or unfertilized blastocyst may be acquired, received, or otherwise transferred for valuable consideration if the transfer affects interstate commerce.

''(f) SEPARATION OF IN VITRO FERTILIZATION LABORATORIES FROM LOCATIONS AT WHICH NUCLEAR TRANSPLANTATION IS CONDUCTED.—Nuclear transplantation may not be conducted in a laboratory in which human oocytes are subject to assisted reproductive technology treatments or procedures.

''(g) CIVIL PENALTIES.—Whoever intentionally violates any provision of subsections (b) through (f) shall be subject to a civil penalty in an amount that is appropriate for the violation involved, but not more than $250,000.''.

Mrs. FEINSTEIN. Mr. President, today Senators HATCH, KENNEDY, SPECTER, HARKIN and I are introducing legislation to ban human reproductive cloning, while ensuring that important medical research goes forward under strict oversight by the federal government.

Simply put, this legislation will enable research to be conducted that provides hope to millions of Americans suffering from paralysis and debilitating diseases including Juvenile Diabetes, Parkinson's, Alzheimer's, cancer and heart disease.

Every member of this body knows someone—whether it's a parent or grandparent, a child or a friend—who suffers from one of these diseases. That is why this legislation is so critical. We must act now to protect promising research that will bring hope to those who suffer.

I now that every member of this body would agree that human reproductive cloning is immoral and unethical. It should be outlawed by Congress and the President. That is exactly what this bill does.

It prohibits any person from conducting or attempting to clone a human being. It also prohibits shipping materials for the purpose of human cloning in interstate or foreign commerce and prohibits the export of an unfertilized blastocyst to a foreign country if such country does not prohibit human cloning.

Any person that violates this prohibition is subject to harsh criminal and civil penalties. They include: imprisonment of up to 10 years in federal prison.

Fines of up to $1 million or three times the gross profits resulting from the violation, whichever is greater.

This legislation draws a bright line between human reproductive cloning and promising medical research using somatic cell nuclear transplantation for the sole purpose of deriving embryonic stem cells.

Somatic cell nuclear transplantation is the process by which scientists derive embryonic stem cells that are an exact genetic match as the patient. Those embryonic stem cells will one day be used to correct defective cells such as non-insulin producing or cancerous cells. Then those patients will not be forced to take immuno-suppressive drugs and risk the chances of rejection since the new cells will contain their own DNA.

It is truly astonishing that somatic cell nuclear transplantation research may one day be used to regrow tissue or organs that could lead to treatments and cures for diseases that afflict up to 100 million Americans. What we are talking about here is research that does not even involve sperm and an egg.

I believe it is essential that this research be conducted with Federal Government oversight and under strict ethical requirements.

That is why the legislation: Mandates that eggs used in this research be unfertilized.

Prohibits the purchase or sale of unfertilized eggs—to prevent ''embryo farms'' or the possible exploitation of women.

Imposes strong ethics rules on scientists, mandating informed consent by egg donors, and include safety and privacy protections.

Prohibit any research on an unfertilized blastocyst after 14 days—After 14 days, an unfertilized blastocyst begins differentiating into a specific type of cell such as a heart or brain cell and is no longer useful for the purposes of embryonic stem cell research.

Requires that all egg donations be voluntary, and that there is no financial or other incentive for egg donations.

Requires that nuclear transportation occur in labs completely separate from labs that engage in in vitro fertilization.

And for those who violate or attempt to violate the ethical requirements of the legislation, they will be subject to civil penalties of up to $250,000 per violation.

Embryonic stem cell research that is currently being done using private funds, in animal models, and by scientists overseas continues to show great promise and potential. This progress will not be sustained in the U.S. without additional stem cell lines for federally-funded research and without strict federal oversight of this research.

Senator HATCH and I have argued this point for years. What has happened since the President limited federally-funded research to only those embryonic stem cell lines derived prior to August 9, 2001?

Researchers have made a number of advancements confirming the promise of embryonic stem cells using animal models and private research dollars. In the absence of federal policy on embryonic stem cell research and human reproductive cloning, States have taken action creating a patchwork of state laws under varying ethical frameworks. Fewer researchers are choosing to go into this field given the void created by Federal inaction.

Last January, a study published by researchers from the University of California San Diego and the Salk Institute for Biological Studies confirmed that all 22 existing federally-approved stem cell lines are tainted by mouse feeders cells and cannot be used in humans.

Researchers at the Whitehead Institute in Cambridge, MA, used embryonic stem cells created by somatic cell nuclear transplantation to cure a genetic defect in mice.

Researchers at Sloan-Kettering Cancer Center in New York found that embryonic stem cells produce proteins

that can help ailing organs repair themselves.

Stanford scientists were able to relieve diabetes symptoms in mice by using special chemicals to transform undifferentiated embryonic stem cells of mice into cell masses that resemble islets found in the mouse pancreas.

In the absence of federal legislation, we have seen a patchwork of State laws under varying ethical frameworks and this is extremely worrisome. In total, 30 States have passed laws pertaining to stem cell research and there is tremendous variety in those laws.

California launched a $3 billion initiative to fund embryonic stem cell research including somatic cell nuclear transplantation research which bans human reproductive cloning.

At least 6 academic centers in California including UC San Francisco, Stanford, UCLA, UC Berkeley, UC Irvine and UC Davis have already begun developing facilities where this embryonic stem cell research will be conducted and are all actively recruiting stem cell biologists from across the country.

New Jersey has proposed a $380 million initiative to fund embryonic stem cell research.

Wisconsin has proposed investing $750 million to support embryonic stem cell research.

By contrast, Arkansas, Iowa, North Dakota, South Dakota and Michigan have specifically prohibited nuclear transfer used to create stem cells. And 22 other States have enacted laws on the matter.

What this means is researchers and research money are now moving to States with pro-research laws and pro-research Governors.

There is clearly a void that needs to be filled—and it can only be filled by the Federal Government.

To be clear, this is research that involves an unfertilized blastocyst. No sperm are involved. It is conducted in a petri dish and cannot occur beyond 14 days. It is also prohibited from ever being implanted into a woman to create a child.

For those who believe that the clump of cells in a petri dish that we are talking about is a human life, that is a moral decision each person must make for himself, but to impose that view on the more than 100 million of our parents, children and friends who suffer from Parkinson's, diabetes, Alzheimer's and cancer is immoral.

As former Senator and Episcopal minister John C. Danforth said recently in an op-ed in the New York Times, ''Criminalizing the work of scientists doing such research would give strong support to one religious doctrine, and it would punish people who believe it is their religious duty to use science to heal the sick.

This is exactly why the legislation I am introducing with my colleagues Senators HATCH, KENNEDY, SPECTER and HARKIN is needed. I urge the Senate to take up and pass this bill and help turn the hopes of millions of Americans into reality.

I ask unanimous consent that the attached letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COALITION FOR THE ADVANCEMENT OF MEDICAL RESEARCH,
*Washington, DC, April 21, 2005.*

Senator DIANNE FEINSTEIN,
*U.S. Senate, 331 Hart Senate Office Building Washington, DC.*

DEAR SENATOR FEINSTEIN, On behalf of the Coalition for the Advancement of Medical Research (CAMR), I am writing to add our strong support for the introduction of the Human Cloning Ban and Stem Cell Research Protection Act of 2005. Along with Senator ORRIN HATCH (R–UT), Senator ARLEN SPECTER (R–PA), Senator TED KENNEDY (D–MA), and Senator TOM HARKIN (D–IA), your leadership in protecting research using somatic cell nuclear transfer (SCNT), also known as therapeutic cloning, is greatly appreciated.

This year, Congress will address the future of biomedical research and the Nation's efforts to prevent, treat, and cure such debilitating diseases as cancer, juvenile diabetes, ALS, Parkinson's disease, spinal cord injuries and many more. Let me be clear, CAMR supports a ban on reproductive cloning; it is unsafe and unethical. Given the scientific potential of SCNT and regenerative medicine, however, we strongly support the bill's effort to allow for this research, which may provide essential tools allowing scientists to develop the promise of embryonic stern cell research. I am sure you will agree, therapeutic cloning is about saving and improving lives. It is fW1damemally different from human reproductive cloning; it produces stem cells, not babies.

CAMR applauds your leadership in sponsoring legislation that ensures cures for devastating diseases continue to be developed. We look forward to working with you.

Thank you,

DANIEL PERRY,
*President.*

Mr. KENNEDY. It is a privilege to join Senator HATCH, Senator FEINSTEIN, Senator SPECTER and Senator HARKIN in sponsoring the Human Cloning Ban and Stem Cell Research Protection Act of 2005. This bipartisan proposal will outlaw human cloning and open the way to proper, ethical cures for our most feared diseases.

Using cloning to reproduce a child is improper and immoral—and our legislation will make it illegal. Medicine must advance hand in hand with ethics, and the legislation we introduce today will make certain that American research sets the gold standard for ethical oversight.

But it is wrong to deny the great potential of medical research using the remarkable new techniques of stem cell research, which can save lives by preventing, treating, and curing a wide range of severe diseases and disabilities.

We see the benefits of investment in biotechnology all around us. Fifty years ago last week, Jonas Salk announced the first polio vaccine. Imagine a world without that extraordinary discovery—where peoples everywhere lived in fear of the polio virus and the devastation it brings.

Thirty years ago, Congress was considering whether to ban research on recombinant DNA—the very foundation of biotechnology.

Time after time, we heard of the medical advances that this new field of research would bring. Then—as now—some dismissed this promise as a pipe dream and urged Congress to forbid it. We chose instead to vote for new hope and new cures. Today, countless Americans and persons throughout the world are already benefiting from the new treatments that biotechnology has brought. Why call a halt?

In the 1980s Congress made the right choice, again, by rejecting attempts to outlaw in vitro fertilization, a technique that has fulfilled the hopes and dreams of thousands of parents who would never have been able to have a child.

Our debate today is no different and Congress should do all it can to support lifesaving research, not prohibit it.

Other nations are more than willing to leave us behind. The potential of this research is so immense that some of our best scientists are already leaving America to pursue their dreams in research laboratories in other countries. We need to stop that exodus before it becomes a nightmare. Do we really want to wake up 10 years from now and hear that a former American scientist in another land has won the Nobel Prize in medicine for a landmark discovery in stem cell research?

The misguided fears of today can't be allowed to deny the cures of tomorrow. I commend my colleagues for their leadership on this important legislation, and I hope the Senate will act quickly to approve this urgently needed bill.

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By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. LUGAR, Mr. ISAKSON, Mr. ENZI, Mr. FEINGOLD, Mr. CRAPO, Mr. ALEXANDER, Mr. BUNNING, Mr. SESSIONS, Mr. ALLARD, and Mr. CORZINE):

S. 877. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

Mr. DOMENICI. Mr. President, on behalf of Senator LIEBERMAN, the distinguished Ranking Member of the Governmental Affairs Committee and eleven other Senators, I rise to introduce the ''Biennial Budgeting and Appropriations Act,'' a bill to convert the annual budget and appropriations process to a two-year cycle and to enhance oversight of federal programs.

Our most recent experience with the Omnibus Consolidated Appropriations Act shows the need for a biennial appropriations and budget process. That one bill clearly demonstrated Congress is incapable of completing the budget, authorizing, and appropriations process on an annual basis. That 1,000 plus paged bill contained nine of the regular appropriations bills.

Congress should now act to streamline the system by moving to a two-

year, or biennial, budget process. This is the most important reform we can enact to streamline the budget process, to make the Senate a more deliberative and effective institution, and to make us more accountable to the American people.

Moving to a biennial budget and appropriations process enjoys very broad support. President Bush has supported a biennial budgeting process. Presidents Clinton, Reagan and Bush also proposed a biennial appropriations and budget cycle. Leon Panetta, who served as White House Chief of Staff, OMB Director, and House Budget Committee Chairman, has advocated a biennial budget since the late 1970s. Former OMB and CBO Director Alice Rivlin has called for a biennial budget the past two decades. The Majority Leader is a co-sponsor of this legislation.

Vice President Gore's National Performance Review and the 1993 Joint Committee on the Reorganization of Congress both recommended a biennial appropriations and budget cycle.

A biennial budget will dramatically improve the current budget process. The current annual budget process is redundant, inefficient, and destined for failure each year. Look at what we struggle to complete each year under the current annual process. The annual budget process consumes three years: one year for the Administration to prepare the President's budget, another year for the Congress to put the budget into law, and the final year to actually execute the budget.

Today, I want to focus just on the Congressional budget process, the process of annually passing a budget resolution, authorization legislation, and multiple appropriation bills. The record clearly shows that last year's experience was nothing new. Under the annual process, we consistently fail to complete action on multiple appropriations bills, to authorize programs, and to meet our deadlines.

While we have made a number of improvements in the budget process, the current annual process is redundant and inefficient. The Senate has the same debate, amendments and votes on the same issue three or four times a year—once on the budget resolution, again on the authorization bill, and finally on the appropriations bill.

A few years ago, I asked the Congressional Research Service (CRS) to update and expand upon an analysis of the amount of time we spend on the budget. CRS looked at all votes on appropriations, revenue, reconciliation, and debt limit measures as well as budget resolutions. CRS then examined any other vote dealing with budgetary levels, Budget Act waivers, or votes pertaining to the budget process. Beginning with 1980, budget related votes started dominating the work of the Senate. In 1996, 73 percent of the votes the Senate took were related to the budget.

If we cannot adequately focus on our duties because we are constantly debating the budget throughout the authorizing, budgeting, and appropriations process, just imagine how confused the American public is about what we are doing. The result is that the public does not understand what we are doing and it breeds cynicism about our government.

Under the legislation I am introducing today, the President would submit a 2-year budget and Congress would consider a 2-year budget resolution and 2-year appropriation bills during the first session of a Congress. The second session of the Congress would be devoted to consideration of authorization bills and for oversight of government agencies.

Most of the arguments against a biennial budget process will come from those who claim we cannot predict or plan on a two year basis. For most of the budget, we do not actually budget on an annual basis. Our entitlement and revenue laws are under permanent law and Congress does not change these laws on an annual basis. The only component of the budget that is set in law annually are the appropriated, or discretionary, accounts.

The most predictable category of the budget are these appropriated, or discretionary, accounts of the federal government. Much of this spending is associated with international activities or emergencies. Because most of this funding cannot be predicted on an annual basis, a biennial budget is no less deficient than the current annual process. My bill does not preclude supplemental appropriations necessary to meet these emergency or unanticipated requirements.

In 1993 I had the honor to serve as co-Chairman on a Joint Committee that studied the operations of the Congress. Senator BYRD testified before that Committee that the increasing demands put on us as Senators has led to our ''fractured attention.'' We simply are too busy to adequately focus on the people's business. This legislation is designed to free up time and focus our attention, particularly with respect to the oversight of Federal programs and activities.

Frankly, the limited oversight we are now doing is not as good as it should be. Our authorizing committees are increasingly crowded out of the legislative process. Under a biennial budget, the second year of the biennium will be exclusively devoted to examining federal programs and developing authorization legislation. The calendar will be free of the budget and appropriations process, giving these committees the time and opportunity to provide oversight, review and legislate changes to federal programs. Oversight and the authorization should be an ongoing process, but a biennial appropriations process will provide greater opportunity for legislators to concentrate on programs and policies in the second year.

Mr. President, a biennial budget cannot make the difficult decisions that must be made in budgeting, but it can provide the tools necessary to make much better decisions. Under the current annual budget process we are constantly spending the taxpayers' money instead of focusing on how best and most efficiently we should spend the taxpayers' money. By moving to a biennial budget cycle, we can plan, budget, and appropriate more effectively, strengthen oversight and watchdog functions, and improve the efficiency of government agencies.

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. 877

*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 ''Biennial Budgeting and Appropriations Act''.

**SEC. 2. REVISION OF TIMETABLE.**

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

''TIMETABLE

''SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Tenth Congress) is as follows:

''First Session

| ''On or before: | Action to be completed: |
|---|---|
| First Monday in February. | President submits budget recommendations. |
| February 15 ..... | Congressional Budget Office submits report to Budget Committees. |
| Not later than 6 weeks after budget submission. | Committees submit views and estimates to Budget Committees. |
| April 1 ..... | Budget Committees report concurrent resolution on the biennial budget. |
| May 15 ..... | Congress completes action on concurrent resolution on the biennial budget. |
| May 15 ..... | Biennial appropriation bills may be considered in the House. |
| June 10 ..... | House Appropriations Committee reports last biennial appropriation bill. |
| June 30 ..... | House completes action on biennial appropriation bills. |
| August 1 ..... | Congress completes action on reconciliation legislation. |
| October 1 ..... | Biennium begins. |

''Second Session

| ''On or before: | Action to be completed: |
|---|---|
| February 15 ..... | President submits budget review. |
| Not later than 6 weeks after President submits budget review. | Congressional Budget Office submits report to Budget Committees. |
| The last day of the session. | Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium. |

''(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year immediately following a leap year and during which the term of a President (except a President who succeeds himself or herself) begins, the following dates shall supersede those set forth in subsection (a):

''First Session

| ''On or before: | Action to be completed: |
|---|---|

''First Session—Continued

| | |
|---|---|
| First Monday in April. | President submits budget recommendations. |
| April 20 ..... | Committees submit views and estimates to Budget Committees. |
| May 15 ..... | Budget Committees report concurrent resolution on the biennial budget. |
| June 1 ..... | Congress completes action on concurrent resolution on the biennial budget. |
| July 1 ..... | Biennial appropriation bills may be considered in the House. |
| July 20 ..... | House completes action on biennial appropriation bills. |
| August 1 ..... | Congress completes action on reconciliation legislation. |
| October 1 ..... | Biennium begins.''. |

**SEC. 3. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.**

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking ''each year'' and inserting ''biennially''.

(b) DEFINITIONS.—

(1) BUDGET RESOLUTION.—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking ''fiscal year'' each place it appears and inserting ''biennium''.

(2) BIENNIUM.—Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

''(11) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.''.

(c) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) SECTION HEADING.—The section heading of section 301 of such Act is amended by striking ''annual'' and inserting ''biennial''.

(2) CONTENTS OF RESOLUTION.—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking ''April 15 of each year'' and inserting ''May 15 of each odd-numbered year'';

(ii) striking ''the fiscal year beginning on October 1 of such year'' the first place it appears and inserting ''the biennium beginning on October 1 of such year''; and

(iii) striking ''the fiscal year beginning on October 1 of such year'' the second place it appears and inserting ''each fiscal year in such period'';

(B) in paragraph (6), by striking ''for the fiscal year'' and inserting ''for each fiscal year in the biennium''; and

(C) in paragraph (7), by striking ''for the fiscal year'' and inserting ''for each fiscal year in the biennium''.

(3) ADDITIONAL MATTERS.—Section 301(b)(3) of such Act (2 U.S.C. 632(b)) is amended by striking ''for such fiscal year'' and inserting ''for either fiscal year in such biennium''.

(4) VIEWS OF OTHER COMMITTEES.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting ''(or, if applicable, as provided by section 300(b))'' after ''United States Code''.

(5) HEARINGS.—Section 301(e)(1) of such Act (2 U.S.C. 632(e)) is amended by—

(A) striking ''fiscal year'' and inserting ''biennium''; and

(B) inserting after the second sentence the following: ''On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.''.

(6) GOALS FOR REDUCING UNEMPLOYMENT.—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking ''fiscal year'' each place it appears and inserting ''biennium''.

(7) ECONOMIC ASSUMPTIONS.—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking ''for a fiscal year'' and inserting ''for a biennium''.

(8) TABLE OF CONTENTS.—The item relating to section 301 in the table of contents set forth in section 1(b) of such Act is amended by striking ''Annual'' and inserting ''Biennial''.

(d) COMMITTEE ALLOCATIONS.—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)

(A) in paragraph (1), by—

(i) striking ''for the first fiscal year of the resolution,'' and inserting ''for each fiscal year in the biennium,'';

(ii) striking ''for that period of fiscal years'' and inserting ''for all fiscal years covered by the resolution''; and

(iii) striking ''for the fiscal year of that resolution'' and inserting ''for each fiscal year in the biennium''; and

(B) in paragraph (5), by striking ''April 15'' and inserting ''May 15 or June 1 (under section 300(b))'';

(2) in subsection (b), by striking ''budget year'' and inserting ''biennium'';

(3) in subsection (c) by striking ''for a fiscal year'' each place it appears and inserting ''for each fiscal year in the biennium'';

(4) in subsection (f)(1), by striking ''for a fiscal year'' and inserting ''for a biennium'';

(5) in subsection (f)(1), by striking ''the first fiscal year'' and inserting ''each fiscal year of the biennium'';

(6) in subsection (f)(2)(A), by—

(A) striking ''the first fiscal year'' and inserting ''each fiscal year of the biennium''; and

(B) striking ''the total of fiscal years'' and inserting ''the total of all fiscal years covered by the resolution''; and

(7) in subsection (g)(1)(A), by striking ''April'' and inserting ''May''.

(e) SECTION 303 POINT OF ORDER.—

(1) IN GENERAL.—Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by—

(A) striking ''the first fiscal year'' and inserting ''each fiscal year of the biennium''; and

(B) striking ''that fiscal year'' each place it appears and inserting ''that biennium''.

(2) EXCEPTIONS IN THE HOUSE.—Section 303(b)(1) of such Act (2 U.S.C. 634(b)) is amended—

(A) in subparagraph (A), by striking ''the budget year'' and inserting ''the biennium''; and

(B) in subparagraph (B), by striking ''the fiscal year'' and inserting ''the biennium''.

(3) APPLICATION TO THE SENATE.—Section 303(c)(1) of such Act (2 U.S.C. 634(c)) is amended by—

(A) striking ''fiscal year'' and inserting ''biennium''; and

(B) striking ''that year'' and inserting ''each fiscal year of that biennium''.

(f) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304(a) of such Act (2 U.S.C. 635) is amended—

(1) by striking ''fiscal year'' the first two places it appears and inserting ''biennium''; and

(2) by striking ''for such fiscal year'' and inserting ''for such biennium''.

(g) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305 of such Act (2 U.S.C. 636(3)) is amended—

(1) in subsection (a)(3), by striking ''fiscal year'' and inserting ''biennium''; and

(2) in subsection (b)(3), by striking ''fiscal year'' and inserting ''biennium''.

(h) COMPLETION OF HOUSE ACTION ON APPROPRIATION BILLS.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking ''each year'' and inserting ''each odd-numbered year'';

(2) by striking ''annual'' and inserting ''biennial'';

(3) by striking ''fiscal year'' and inserting ''biennium''; and

(4) by striking ''that year'' and inserting ''each odd-numbered year''.

(i) COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting ''of any odd-numbered calendar year'' after ''July'';

(2) by striking ''annual'' and inserting ''biennial''; and

(3) by striking ''fiscal year'' and inserting ''biennium''.

(j) RECONCILIATION PROCESS.—Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''any fiscal year'' and inserting ''any biennium''; and

(2) in paragraph (1) by striking ''such fiscal year'' each place it appears and inserting ''any fiscal year covered by such resolution''.

(k) SECTION 311 POINT OF ORDER.—

(1) IN THE HOUSE.—Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking ''for a fiscal year'' and inserting ''for a biennium'';

(B) by striking ''the first fiscal year'' each place it appears and inserting ''either fiscal year of the biennium''; and

(C) by striking ''that first fiscal year'' and inserting ''each fiscal year in the biennium''.

(2) IN THE SENATE.—Section 311(a)(2) of such Act is amended—

(A) in subparagraph (A), by striking ''for the first fiscal year'' and inserting ''for either fiscal year of the biennium''; and

(B) in subparagraph (B)—

(i) by striking ''that first fiscal year'' the first place it appears and inserting ''each fiscal year in the biennium''; and

(ii) by striking ''that first fiscal year and the ensuing fiscal years'' and inserting ''all fiscal years''.

(3) SOCIAL SECURITY LEVELS.—Section 311(a)(3) of such Act is amended by—

(A) striking ''for the first fiscal year'' and inserting ''each fiscal year in the biennium''; and

(B) striking ''that fiscal year and the ensuing fiscal years'' and inserting ''all fiscal years''.

(l) MDA POINT OF ORDER.—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended—

(1) by striking ''for a fiscal year'' and inserting ''for a biennium'';

(2) in paragraph (1), by striking ''the first fiscal year'' and inserting ''either fiscal year in the biennium'';

(3) in paragraph (2), by striking ''that fiscal year'' and inserting ''either fiscal year in the biennium''; and

(4) in the matter following paragraph (2), by striking ''that fiscal year'' and inserting ''the applicable fiscal year''.

**SEC. 4. AMENDMENTS TO TITLE 31, UNITED STATES CODE.**

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

''(3) 'biennium' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).''.

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) SCHEDULE.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

''(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Ninth Congress, the President shall transmit to the Congress, the

budget for the biennium beginning on October 1 of such calendar year. The budget of the United States Government transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:''.

(2) EXPENDITURES.—Section 1105(a)(5) of title 31, United States Code, is amended by striking ''the fiscal year for which the budget is submitted and the 4 fiscal years after that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 fiscal years''.

(3) RECEIPTS.—Section 1105(a)(6) of title 31, United States Code, is amended by striking ''the fiscal year for which the budget is submitted and the 4 fiscal years after that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years''.

(4) BALANCE STATEMENTS.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(5) FUNCTIONS AND ACTIVITIES.—Section 1105(a)(12) of title 31, United States Code, is amended in subparagraph (A), by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(6) ALLOWANCES.—Section 1105(a)(13) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(7) ALLOWANCES FOR UNCONTROLLED EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking ''that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted''.

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(9) FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking ''the fiscal year following the fiscal year'' and inserting ''each fiscal year in the biennium following the biennium'';

(B) by striking ''that following fiscal year'' and inserting ''each such fiscal year''; and

(C) by striking ''fiscal year before the fiscal year'' and inserting ''biennium before the biennium''.

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking ''the prior fiscal year'' and inserting ''each of the 2 most recently completed fiscal years,'';

(B) by striking ''for that year'' and inserting ''with respect to those fiscal years''; and

(C) by striking ''in that year'' and inserting ''in those fiscal years''.

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking ''the prior fiscal year'' and inserting ''each of the 2 most recently completed fiscal years'';

(B) by striking ''for that year'' and inserting ''with respect to those fiscal years''; and

(C) by striking ''in that year'' each place it appears and inserting ''in those fiscal years''.

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking ''each year'' and inserting ''each even-numbered year''.

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking ''the fiscal year for'' the first place it appears and inserting ''each fiscal year in the biennium for'';

(2) by striking ''the fiscal year for'' the second place it appears and inserting ''each fiscal year of the biennium, as the case may be, for''; and

(3) by striking ''for that year'' and inserting ''for each fiscal year of the biennium''.

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking ''ensuing fiscal year'' and inserting ''biennium to which such budget relates''.

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) inserting after ''Before July 16 of each year'' the following: ''and February 15 of each even-numbered year''; and

(ii) striking ''fiscal year'' and inserting ''biennium'';

(B) in paragraph (1), by striking ''that fiscal year'' and inserting ''each fiscal year in such biennium'';

(C) in paragraph (2), by striking ''fiscal year'' and inserting ''biennium''; and

(D) in paragraph (3), by striking ''fiscal year'' and inserting ''biennium''.

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) striking ''the fiscal year'' and inserting ''each fiscal year in the biennium'';

(B) inserting after ''Before July 16 of each year'' the following: ''and February 15 of each even-numbered year''; and

(C) striking ''submitted before July 16'' and inserting ''required by this subsection''.

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) IN GENERAL.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking ''On or before the first Monday after January 3 of each year (on or before February 5 in 1986)'' and inserting ''At the same time the budget required by section 1105 is submitted for a biennium''; and

(B) by striking ''the following fiscal year'' and inserting ''each fiscal year of such period''.

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking ''March 1 of each year'' and inserting ''within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)''.

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking ''May 16'' and inserting ''March 31''; and

(2) striking ''year before the year in which the fiscal year begins'' and inserting ''calendar year preceding the calendar year in which the biennium begins''.

**SEC. 5. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.**

Section 105 of title 1, United States Code, is amended to read as follows:

**''§ 105. Title and style of appropriations Acts**

''(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).'.

''(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

''(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).''.

**SEC. 6. MULTIYEAR AUTHORIZATIONS.**

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''AUTHORIZATIONS OF APPROPRIATIONS

''SEC. 316. (a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider—

''(1) any bill, joint resolution, amendment, motion, or conference report that authorizes appropriations for a period of less than 2 fiscal years, unless the program, project, or activity for which the appropriations are authorized will require no further appropriations and will be completed or terminated after the appropriations have been expended; and

''(2) in any odd-numbered year, any authorization or revenue bill or joint resolution until Congress completes action on the biennial budget resolution, all regular biennial appropriations bills, and all reconciliation bills.

''(b) APPLICABILITY.—In the Senate, subsection (a) shall not apply to—

''(1) any measure that is privileged for consideration pursuant to a rule or statute;

''(2) any matter considered in Executive Session; or

''(3) an appropriations measure or reconciliation bill.''.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 315 the following new item:

''Sec. 316. Authorizations of appropriations.''.

**SEC. 7. GOVERNMENT PLANS ON A BIENNIAL BASIS.**

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''September 30, 1997'' and inserting ''September 30, 2005'';

(2) in subsection (b)—

(A) by striking ''five years forward'' and inserting ''6 years forward'';

(B) by striking ''at least every three years'' and inserting ''at least every 4 years''; and

(C) by striking beginning with '', except that'' through ''four years''; and

(3) in subsection (c), by inserting a comma after ''section'' the second place it appears and adding ''including a strategic plan submitted by September 30, 2005 meeting the requirements of subsection (a)''.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Paragraph (28) of section 1105(a) of title 31, United States Code, is amended by striking ''beginning with fiscal year 1999, a'' and inserting ''beginning with fiscal year 2006, a biennial''.

(c) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking ''section 1105(a)(29)'' and inserting ''section 1105(a)(28)''; and

(ii) by striking ''an annual'' and inserting ''a biennial'';

(B) in paragraph (1) by inserting after ''program activity'' the following: ''for both years 1 and 2 of the biennial plan'';

(C) in paragraph (5) by striking ''and'' after the semicolon,

(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting ''and'' after the inserted semicolon; and

(E) by adding after paragraph (6) the following:

''(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.'';

(2) in subsection (d) by striking ''annual'' and inserting ''biennial''; and

(3) in paragraph (6) of subsection (f) by striking ''annual'' and inserting ''biennial''.

(d) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking ''annual''; and

(B) by striking ''section 1105(a)(29)'' and inserting ''section 1105(a)(28)'';

(2) in subsection (e)—

(A) in the first sentence by striking ''one or'' before ''years'';

(B) in the second sentence by striking ''a subsequent year'' and inserting ''a subsequent 2-year period''; and

(C) in the third sentence by striking ''three'' and inserting ''4''.

(e) PILOT PROJECTS FOR PERFORMANCE BUDGETING.—Section 1119 of title 31, United States Code, is amended—

(1) in paragraph (1) of subsection (d), by striking ''annual'' and inserting ''biennial''; and

(2) in subsection (e), by striking ''annual'' and inserting ''biennial''.

(f) STRATEGIC PLANS.—Section 2802 of title 39, United States Code, is amended—

(1) is subsection (a), by striking ''September 30, 1997'' and inserting ''September 30, 2005'';

(2) by striking ''five years forward'' and inserting ''6 years forward'';

(3) in subsection (b), by striking ''at least every three years'' and inserting ''at least every 4 years''; and

(4) in subsection (c), by inserting a comma after ''section'' the second place it appears and inserting ''including a strategic plan submitted by September 30, 2005 meeting the requirements of subsection (a)''.

(g) PERFORMANCE PLANS.—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking ''an annual'' and inserting ''a biennial'';

(2) in paragraph (1), by inserting after ''program activity'' the following: ''for both years 1 and 2 of the biennial plan'';

(3) in paragraph (5), by striking ''and'' after the semicolon;

(4) in paragraph (6), by striking the period and inserting ''; and''; and

(5) by adding after paragraph (6) the following:

''(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.''.

(h) COMMITTEE VIEWS OF PLANS AND REPORTS.—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end ''Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House.''.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2005.

(2) AGENCY ACTIONS.—Effective on and after the date of enactment of this Act, each agency shall take such actions as necessary to prepare and submit any plan or report in accordance with the amendments made by this Act.

**SEC. 8. BIENNIAL APPROPRIATIONS BILLS.**

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following:

''CONSIDERATION OF BIENNIAL APPROPRIATIONS BILLS

''SEC. 317. It shall not be in order in the House of Representatives or the Senate in any odd-numbered year to consider any regular bill providing new budget authority or a limitation on obligations under the jurisdiction of any of the subcommittees of the Committees on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond 1 year and will be completed or terminated after the amount provided has been expended.''.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 316 the following new item:

''Sec. 317. Consideration of biennial appropriations bills.''.

**SEC. 9. REPORT ON TWO-YEAR FISCAL PERIOD.**

Not later than 180 days after the date of enactment of this Act, the Director of OMB shall—

(1) determine the impact and feasibility of changing the definition of a fiscal year and the budget process based on that definition to a 2-year fiscal period with a biennial budget process based on the 2-year period; and

(2) report the findings of the study to the Committees on the Budget of the House of Representatives and the Senate.

**SEC. 10. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in sections 8 and 10 and subsection (b), this Act and the amendments made by this Act shall take effect on January 1, 2007, and shall apply to budget resolutions and appropriations for the biennium beginning with fiscal year 2008.

(b) AUTHORIZATIONS FOR THE BIENNIUM.—For purposes of authorizations for the biennium beginning with fiscal year 2006, the provisions of this Act and the amendments made by this Act relating to 2-year authorizations shall take effect January 1, 2005.

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By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 878. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today, along with Senator LAUTENBERG, I am introducing legislation, the Clean Ocean and Safe Tourism Anti-Drilling Act, or COAST Anti-Drilling Act, to ban oil and gas drilling off the Mid-Atlantic and Northern Atlantic coast.

The people of New Jersey, and other residents of States along the Atlantic Coast, do not want oil or gas rigs anywhere near their treasured beaches and fishing grounds. Such drilling poses serious threats not only to our environment, but to our economy, which depends heavily on tourism along our shore. Coastal tourism is New Jersey's second-largest industry, and the New Jersey Shore is one of the fastest growing regions in the country. According to the New Jersey Department of Commerce, tourism in the Garden State generates more than $31 billion in spending, directly and indirectly supports more than 836,000 jobs, more than 20 percent of total State employment, generates more than $16.6 billion in wages, and brings in more than $5.5 billion in tax revenues to the State.

Until the Bush administration came into office, there was no reason to suspect that drilling was even a remote possibility. Since 1982, a statutory moratorium on leasing activities in most Outer Continental Shelf, OCS, areas has been included annually in Interior appropriations acts. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas on June 26, 1990, under section 12 of the OCS Lands Act. On June 12, 1998, President Clinton used the same authority to issue a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

Given the longstanding consensus against drilling in these areas, I was deeply disturbed to discover that on May 31, 2001, the Minerals Management Service released a request for proposals, RFP, to conduct a study of the environmental impacts of drilling in the Mid- and North-Atlantic. The RFP noted that ''there are areas with some reservoir potential, for example off the coast of New Jersey.'' In addition, the RFP explained that the study would be conducted ''in anticipation of managing the exploitation of potential and proven reserves.'' I believed that the RFP was inappropriate and misguided, and I was pleased when at my urging and the urging of other coastal Senators, the administration rescinded it.

After our strong bipartisan coalition fought off the Department of the Interior RFP, our coastal coalition came together again to fight off the Outer Continental Shelf inventory provisions of last year's energy bill. The bill directed the Department of the Interior to inventory all potential oil and natural gas resources in the entire Outer Continental Shelf, including areas off of the New Jersey coast. The bill would have allowed the use of seismic surveys, dart core sampling, and other exploration technologies, all of which would leave these areas vulnerable to oil spills, drilling discharges and damage to coastal wetlands.

These provisions run directly counter to language that Congress has included annually in appropriations bills to prevent leasing, preleasing, and related activities in most areas of the Outer Continental Shelf, including areas off the New Jersey coast. Fortunately, this provision was dropped last year, but it is likely that it will resurface during debate on the Energy bill this year, and it is clear that we need to once and for all ban drilling off the coast of New Jersey and the rest of the Mid- and North-Atlantic.

So considering the minimal benefit and significant downside of drilling off the coast of New Jersey, it is not worth threatening over 800,000 New Jersey jobs to recover what the MMS estimated in 2000 to be 196 million barrels

of oil, only enough to last the country barely 10 days.

I certainly don't think it is worth the risk, and it is time for Congress to act to resolve this question once and for all. That is why I am introducing the COAST Anti-Drilling Act. The Clean Ocean and Safe Tourism Anti-Drilling Act would permanently ban drilling for oil, gas and other minerals in the Mid- and North-Atlantic.

I look forward to working with my colleagues to enact this important legislation. Doing so would ensure the people of New Jersey and neighboring States that they need not fear the specter of oil rigs off their beaches.

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. 878

*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 ''Clean Ocean and Safe Tourism Anti-Drilling Act'' or the ''COAST Anti-Drilling Act''.

**SEC. 2. PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.**

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(p) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Notwithstanding any other provision of this section or any other law, the Secretary of the Interior shall not issue a lease for the exploration, development, or production of oil, natural gas, or any other mineral in—

''(1) the Mid-Atlantic planning area; or

''(2) the North Atlantic planning area.''.

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By Ms. MURKOWSKI:

S. 879. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Homeland Security and Governmental Affairs.

Ms. MURKOWSKI. Mr. President, it has been 20 years since the passage of the Arctic Research and Policy Act of 1984, a bill sponsored by the former Senator Murkowski. The time has come to make some modifications to reflect the experience we've gained over that time.

I'm pleased to note that the amendments I introducing today are really very modest, an indication that the act—and the presidential commission it created—have functioned quite well. These minimal changes will, I hope, make them function even more smoothly.

First, the chairman of the Arctic Research Commission will be authorized compensation for an additional 30 days of work during the course of a year. That is still far less than the actual number of days demanded by the position, but will help. Second, the bill will allow the Commission to stimulate additional interest in Arctic research by establishing a professional award program for excellence in research. Current and former members of the Commission will not be eligible. Awards will be capped at a symbolic amount of $1,000, but the recognition by each winner's scientific peers will be invaluable. Third and finally, the bill will allow the Commission to reciprocate in the expected manner when foreign delegations host a reception or other event. This provision is limited to no more than two-tenths of a percent of the Commission budget—as with the award program, the value is primarily symbolic, but is nonetheless important.

Although these are small changes, they will help ensure a smoothly functioning Arctic Research Act, and that is important. Although it is not something you hear about on a daily basis, the United States is a leader in the very small circle of Arctic nations, and the Congress plays a major role in ensuring that we remain a leader in this critically important sphere. And make no mistake about it, the Arctic is critical to this country for social, strategic, economic and scientific reasons that are simply too plentiful to enumerate at this time.

The main purposes of the Arctic Research and Policy Act are: 1, to establish national policy for basic and applied research on Arctic resources and materials, physical, biological and health sciences, and social and behavioral sciences; 2, to establish the U.S. Arctic Research Commission to promote Arctic research and to recommend research policies; 3, to designate the National Science Foundation as the lead agency for implementing Arctic research; and, 4, to establish the Interagency Arctic Research Policy Committee, IARPC, which is responsible for coordinating a multiplicity of Arctic research efforts throughout the government.

As we continue to see evidence of Arctic warming—whether or not we consider it to be human-caused or natural, global or regional—it is of tremendous importance to prepare as best we can. The future may hold both positives—such as increased agricultural production and access to natural resources—and negatives—such as widespread damage to existing infrastructure, flooding, and sweeping social changes. The Arctic Research Commission plays a vital role and deserves our full support.

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. 879

*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 ''Arctic Research and Policy Amendments Act of 2005''.

**SEC. 2. CHAIRPERSON OF THE ARCTIC RESEARCH COMMISSION.**

(a) COMPENSATION.—Section 103(d)(1) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(1)) is amended in the second sentence by striking ''90 days'' and inserting '', in the case of the chairperson, 120 days, and, in the case of any other member, 90 days,''.

(b) REDESIGNATION.—Section 103(d)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(2)) is amended by striking ''Chairman'' and inserting ''chairperson''.

**SEC. 3. COMMISSION AWARDS FOR EXCELLENCE IN RESEARCH.**

(a) AUTHORITY.—Section 104 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4103) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b) COMMISSION AWARDS FOR EXCELLENCE IN RESEARCH.—

''(1) IN GENERAL.—Each year, the Commission may make a cash award to any person in recognition of excellence in Arctic research conducted by such person or outstanding support of Arctic research provided by such person.

''(2) AMOUNT.—The amount of a cash award made to a person under paragraph (1) shall be fixed by the Commission and shall not exceed $1,000.

''(3) INELIGIBILITY OF COMMISSION MEMBERS.—An individual who is or has been a member of the Commission shall be ineligible to receive an award under paragraph (1).''.

(b) TECHNICAL AMENDMENTS.—Section 104 of such Act, as amended by subsection (a), is further amended—

(1) by inserting ''DUTIES OF COMMISSION.—'' before ''The Commission'' in subsection (a); and

(2) by inserting ''REPORT.—'' before ''Not later than'' in subsection (c).

**SEC. 4. REPRESENTATION AND RECEPTION ACTIVITIES.**

Section 106 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4105) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) expend for representation and reception expenses each fiscal year not more than 0.2 percent of the amounts made available to the Commission under section 111 for such fiscal year.''.

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By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 880. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act. I am joined in this effort by Senator FEINSTEIN and Representative LYNN WOOLSEY who has introduced the companion bill in the other body.

The Gulf of the Farallones and the adjacent Cordell Bank are rich with wildlife and are visually spectacular. They are one of California's—indeed America's—great natural treasures.

Thirty-three marine mammal species use this area. Over half of these are threatened or endangered. The sanctuaries also contain one of the largest

populations of blue and humpback whales in the world. Every summer, many grey whales dwell in the boundaries and neighboring waters of the sanctuaries. In addition, birds rely on the rich waters and surrounding land for nesting, feeding, and rearing of their young.

As effective as the current boundaries are in protecting this wildlife, new risks and a better understanding of the ecosystem necessitate extending the existing boundaries.

My legislation would expand the boundaries of the two existing national marine sanctuaries to protect the entire Sonoma Coast. By expanding the boundaries of both the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries, the bill will protect the Russian and Gualala River estuaries and the nutrient-rich Bodega Canyon from offshore oil drilling and pollution.

Expanding these marine sanctuaries will help to ensure that they remain the treasures they are. I urge my colleagues to support this bill.

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By Ms. CANTWELL (for herself, Mr. MCCAIN, Mr. DORGAN, Mrs. MURRAY, and Mr. INOUYE):

S. 881. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation with my colleague from Washington State, Senator MURRAY, and former Senate Indian Affairs Committee chairman, Senator INOUYE of Hawaii. The bill I submit today, which is identical to S. 1438 which passed the Senate unanimously on November 19, 2004, provides an equitable settlement of a longer standing injustice to the Spokane Tribe of Indians.

For more than half a century, the Columbia Basin Project has made an extraordinary contribution to this Nation. It helped pull the economy out of the Great Depression. It provided the electricity that produced aluminum required for airplanes and weapons that ensured our national security. The project continues to produce enormous revenues for the United States. It is a key component of the agricultural economy in eastern Washington and plays a pivotal role in the electric systems serving the entire western United States.

However, these benefits have come at a direct cost to tribal property that became inundated when the U.S. Government built the Grand Coulee Dam. Before dam construction, the free flowing Columbia River supported robust and plentiful salmon runs and provided for virtually all of the subsistence needs of the Spokane Tribe. After construction, the Columbia and its Spokane River tributary flooded tribal communities, schools, and roads, and the remaining stagnant water continues to erode reservation lands today.

The legislation Senators INOUYE, MURRAY and I are introducing today is similar to P.L. 103–436, which was enacted in 1994 to provide just compensation to the neighboring Confederated Colville Tribes. This bill would provide the Spokane Tribe of Indians with compensation for the use of its lands for the production of hydropower by the Grand Coulee Dam under a formula based in part on that by which the Confederated Tribes of the Colville Reservation were compensated in the Colville Tribes' settlement legislation in 1994. The Spokane Tribe lost lands equivalent in area to 39.4 percent of the lands lost to Colville Tribes a settlement based solely on this factor would result in a proportional payment of 39.4 percent to the Spokane Tribe. This was the formula basis for similar Spokane settlement legislation introduced in the Senate and House in the 107th, 108th, and 109th Congress. However, based upon good faith, honorable and extensive negotiations by and between the Spokane Tribe, the Bonneville Power Administration, the Bureau of Reclamation the National Park Service during the past year, this percentage has been reduced to 29 percent in recognition of the fact that certain lands taken for the construction of the Grand Coulee Dam would be restored to the Spokane Tribe under the terms of this legislation. The legislation reserves a perpetual right, power, and easement over the land transferred to carry out the Columbia Basin Project under the Columbia Basin Project Act, 16 U.S.C. 835 et seq.

The United States has a trust responsibility to maintain and protect the integrity of all tribal lands with its borders. When Federal actions physically or economically impact or harm, our Nation has a legal responsibility to address and compensate the damaged parties. Unfortunately, despite countless effort, half a century has passed without justice to the Spokane people.

In hearings before the Senate Committee on Indian Affairs on October 2, 2003, Robert A. Robinson, Managing Director, Natural Resources and Environment, General Accounting Office testified:

> A reasonable case can be made to settle the Spokane Tribe's case along the lines of the Colville settlement—a one-time payment from the U.S. Treasury for past lost payments for water power values and annual payments primarily from Bonneville [BPA]. Bonneville continues to earn revenues from the Spokane reservation lands used to generate hydropower. However, unlike the Colville Tribes, the Spokane Tribe does not benefit from these revenues. The Spokane Tribe does not benefit because it missed its filing opportunity before the Indian Claims Commission. At that time it was pursuing other avenues to win payments for the value of its land for hydropower. These efforts would ultimately fail. Without congressional action, it seems unlikely that a settlement for the Spokane Tribe will occur.

The time has come for the Federal Government to finally meet its fiduciary responsibility for converting the Spokane Tribe's resource to its own benefit. Senators INOUYE, MURRAY and I believe that the legislation we are proposing today will finally bring a fair and honorable closure to these matters. We are pleased that similar bipartisan legislation was also introduced today in the U.S House of Representatives.

I look forward to working with the Indian Affairs Committee and Senate colleagues as this legislation proceeds through the Congress.

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By Mr. DURBIN (for himself, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Mr. BAYH, Mr. LEAHY, Mr. LIEBERMAN, Mrs. BOXER, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. CORZINE, Mr. KERRY, Mr. FEINGOLD, and Mr. SCHUMER):

S. 882. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce America's Red Rock Wilderness Act of 2005. This legislation continues our Nation's commitment to preserve our natural heritage. Preservation of our Nation's vital natural resources will be one of our most important legacies.

Unfortunately, remaining wilderness areas are increasingly threatened and degraded by oil and gas development, mining, claims of rights of way, logging and off-road vehicles. America's Red Rock Wilderness Act will designate 9.5 million acres of land managed by the Bureau of Land Management, BLM, in Utah as wilderness under the Wilderness Act. Wilderness designation will preserve the land's wilderness character, along with the values associated with that wilderness; scenic beauty, solitude, wildlife, geological features, archaeological sites, and other features of scientific, educational and historical value.

America's Red Rock Wilderness Act will provide wilderness protection for red rock cliffs offering spectacular vistas of rare rock formations, canyons and desert lands, important archaeological sites, and habitat for rare plant and animal species.

Volunteers have taken inventories of thousands of square miles of BLM land in Utah to help determine which lands should be protected. These volunteers provided extensive documentation to ensure that these areas meet Federal wilderness criteria. The BLM also completed a reinventory of approximately 6 million acres of Federal land in the same area. The results provide a convincing confirmation that the areas designated for protection under this bill meet Federal wilderness criteria.

For more than 20 years Utah conservationists have been working to add the last great blocks of undeveloped BLM-administered land in Utah to the National Wilderness Preservation System. The lands proposed for protection

surround and connect eight of Utah's nine national park, monument and recreation areas. These proposed BLM wilderness areas easily equal their neighboring national parklands in scenic beauty, opportunities for recreation, and ecological importance. Yet, unlike the parks, most of these scenic treasures lack any form of long-term protection.

While my legislation would unambiguously protect Utah's red rock wilderness, the question of preserving these lands for future generations now also looms before the BLM. Not since the BLM conducted its inventories of Utah public lands in the early 1980s has the agency had such a promising opportunity to recognize and care for Utah's wilderness. Whether the BLM realizes this opportunity has yet to be seen.

Today, nearly 6 million acres of wildlands that my legislation would protect are involved in the BLM's land use planning process. As I understand, the BLM will be making lasting decisions about what places should be preserved or developed, roaded or left unroaded, or designated for off-road vehicle travel. These policies will stand for as much as 15 to 20 years, a timespan long enough to leave a lasting mark on this landscape.

We must be clear about the impact of these plans. Fundamentally, the administration is choosing how it will act as stewards for our wild and scenic places. These plans in Utah will profoundly influence many fragile desert lands that would be protected under America's Red Rock Wilderness Act. Places like the San Rafael Swell, the Book Cliffs, the Canyonlands Basin, and Moab/La Sal Region now hang in the balance.

I believe Americans understand the need for wise and balanced stewardship of these wild landscapes. Unfortunately, the administration has proposed little or no serious protections for Utah's most majestic places. Instead, the BLM appears to lack a solid conservation ethic and routinely favors development and consumptive uses of our wild public land.

The administration has a decidedly different approach on the fate of some of our remaining wilderness. Under the Price plan, the BLM leaves 98 percent of the region's lands in America's Red Rock Wilderness Act, outside of already protected areas, open to oil and gas drilling. Sadly, the Green River, which cuts deep into the rugged Book Cliffs forming the sandstone cliffs of Desolation Canyon, and other natural wonders are being jeopardized by the BLM for a negligible amount of oil.

The BLM has made important headway in protecting America's Red Rock Wilderness from off-road vehicle abuse, but more can still be done to safely and effectively plan for off-road vehicle recreation. Just 5 years ago, 94 percent of BLM public land in Utah lacked protection from motorized vehicle abuse. As open BLM areas, many fragile lands in America's Red Rock Wilderness Act and elsewhere were vulnerable to off-road vehicle abuse. Since this free-for-all era, BLM trail designations have helped to educate motorized users and direct use to appropriate areas. Stewardship over the long-term is still needed to ensure that our wilderness legacy remains intact.

America's Red Rock Wilderness Act is a lasting gift to the American public. By protecting this serene yet wild land we are giving future generations the opportunity to enjoy the same untrammeled landscape that so many now cherish.

I'd like to thank all of my colleagues who are original cosponsors of this measure this year, many of whom have supported the bill since it was first introduced. The original cosponsors of the measure are Senators STABENOW, WYDEN, FEINGOLD, LAUTENBERG, BAYH, LEAHY, LIEBERMAN, BOXER, KENNEDY, REED, CLINTON, CORZINE and KERRY. Additionally, I would like to thank The Utah Wilderness Coalition, which includes The Wilderness Society and Sierra Club; The Southern Utah Wilderness Alliance; and all of the other national, regional and local, hard-working groups who, for years, have championed this legislation.

Theodore Roosevelt once stated:

> The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.

Enactment of this legislation will help us realize Roosevelt's vision. In order to protect these precious resources in Utah for future generations, I urge my colleagues to support America's Red Rock Wilderness Act.

Mr. FEINGOLD. Mr. President, I am very pleased to again join the senior Senator from Illinois, Mr. DURBIN, as an original co-sponsor of legislation to designate more than one million acres of Bureau of Land Management, BLM, lands in Utah as wilderness.

I had an opportunity to travel twice to Utah. I viewed firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls. I also viewed the lands proposed for designation in this bill from a river trip down the Colorado River, and in the San Rafael Swell with members of the Emery County government.

I support this legislation for a number of reasons, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the BLM lands of Southern Utah.

Second, I support this legislation because I believe it sets the broadest and boldest mark for the lands that should be protected in Southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompasses all the BLM lands of wilderness quality in Utah. Unfortunately, the Senate has not always had the benefit of considering wilderness designations for all of the deserving lands in Southern Utah. During the 104th Congress, I joined with the former Senator from New Jersey, Mr. Bradley, in opposing that Congress's Omnibus Parks legislation. It contained provisions, which were eventually removed, that many in my home state of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of Southern Utah are very special to the people of Wisconsin. In writing to me over the last few years, my constituents have described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of Madison, Wisconsin's Capital Times wrote:

> Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans. The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness, which is not fully protected.
>
> We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah. This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.

I believe that the measure being introduced today will accomplish that goal. The measure protects wild lands that really are not done justice by any description in words. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the Grand Staircase-Escalante National Monument. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, answered an important question I am often asked when people want to know why a Senator from Wisconsin would co-sponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that:

> ''These are not scenes that you could see in Wisconsin. That's part of what makes them special.''

He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness:

''the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the nation's most splendid areas.''

Ten years later, Wisconsinites are still watching this test case. I believe that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the Nation is headed with respect to its stewardship of natural resources. What Haslanger's comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness simply ensures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Finally, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the Federal Government for the people of the United States. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin, as it is for other Americans.

I am eager to work with my colleague from Illinois, Mr. DURBIN, to protect these lands. I commend him for introducing this measure.

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By Mr. MCCAIN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. SALAZAR, and Mrs. FEINSTEIN):

S. 886. A bill to eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes; to the Committee on Finance.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senators ALEXANDER, LIEBERMAN, SALAZAR, and FEINSTEIN in introducing legislation to restore and maintain our National Parks by the centennial anniversary of the National Park System in 2016.

Heralding the establishment of the first National Parks, President Theodore Roosevelt stated, ''We have fallen heirs to the most glorious heritage a people ever received, and each one must do his part if we wish to show that the nation is worthy of its good fortune.''

And what a priceless fortune Americans enjoy—Yellowstone, the Grand Canyon, Yosemite, the Tetons, Mt. Rushmore, the Everglades, and hundreds of other extraordinary national parks that grace our country. Hundreds of millions of families and visitors from all over the world have visited these parks for recreational, educational, and cultural opportunities as well as the sheer pleasure of being surrounded by their natural beauty or historical significance.

Unfortunately, all of this public enjoyment and use coupled with the lack of adequate financial investment in our parks has left them in a state of disrepair and neglect. A multi-billion dollar maintenance backlog has cast a long shadow over the glory of our national park heritage. An annual operating deficit estimated at $600 million has further diminished the integrity of national park programs and facilities.

The National Parks Centennial Act would allow all Americans to contribute to the restoration of the parks through the creation of a Centennial Fund with monies generated by a check-off box on federal tax returns. The funds collected will be directed to the priority maintenance and operation needs of the national parks to make them fiscally sound by 2016. What better way or time to demonstrate that ''we are worthy of the good fortune of our parks''?

I commend the National Parks Conservation Association for promoting this sound and innovative approach to remedying the significant deterioration of our parks. A companion House bill has been introduced by Representatives SOUDER and BAIRD with solid bipartisan support.

Surely this is legislation that we can all agree on and support. All of our lives have been enriched by our National Parks. This bill provides an opportunity to show our appreciation to restore and maintain our country's cultural and natural heritage for generations to come. The passage of this legislation will ensure that our national parks will have a glorious 100th birthday to celebrate. Let's get on with it!

Mr. ALEXANDER. Today I am joining with Senators MCCAIN, LIEBERMAN, SALAZAR and FEINSTEIN in introducing the National Park Centennial Act—a bill to make the National Park System fiscally sound by its 100th birthday in 2016. The park system currently suffers from a multi-billion dollar backlog of maintenance projects and an operating deficit that exceeds $600 million each year.

The Centennial Act aims to remedy this crisis by giving tax-payers the opportunity to check off a box on their tax returns each year that would send a small contribution to a National Park Centennial Fund. Today, taxpayers can contribute $3 to Presidential elections. This Act gives taxpayers an opportunity to contribute directly to our national parks via their tax returns.

Our parks are national treasures, and they deserve to be preserved in all their pristine glory. They are a part of our heritage.

It is a national travesty that they suffer from such a terrible lack of funding. The overall backlog, according to the Congressional Research Service, is about $7 billion, though estimates vary by about $2 billion in either direction.

My own State, along with our neighbor North Carolina, is home to the country's most visited national park, the Great Smoky Mountains National Park. I live just a few miles from the park myself.

In Tennessee, we have tried to deal with the maintenance backlog in a number of different ways. More than 2,100 volunteers have provided over 110,000 man-hours of service to the park, which is the equivalent of 50 staff and $1.9 million in extra funding. That's the third best volunteer rate in the National Park System.

Our local communities in Tennessee and North Carolina have established a non-profit organization to help support the park—''Friends of the Smokies''—which has raised more than $8 million since its founding in 1993 through individual, corporate and foundation contributions, merchandise sales, special events, and sales of specialty license plates in Tennessee and North Carolina. Friends now has over 2,000 members. In addition to its fundraising activities, Friends of the Smokies coordinates more than 80 volunteers who provide direct and indirect assistance with projects that benefit Great Smoky Mountains National Park.

Yet, despite all this extra support, the backlog in the Great Smoky Mountains National Park remains significant. The Park's current maintenance backlog is estimated at approximately $180 million dollars. It is estimated that the Great Smokies will receive up to $36 million over the next 5 years to address the maintenance backlog. There is over a $140 million shortfall at the Great Smokies alone.

Examples of maintenance backlog projects at the Smokies are:

Rehabilitation of North Shore Cemetery access routes; rehabilitation of three comfort stations at Balsam Mountain; rehabilitation of three comfort stations at Chimney Tops picnic area; rehabilitation of Newfound Gap Road, phase one; replace obsolete parkwide key system; repave Clingmans Dome Trail.

We need to do better. It will be hard to do better in this budget environment. So this is an innovative way to help the parks do better.

Sixty percent of this fund will go to maintenance backlogs. Forty percent of this fund will supplement the annual operating deficits at the parks. This program will terminate in 2016.

Parallel legislation has already been introduced in the House of Representatives, including Congressman JIMMY DUNCAN. I hope Congress will move quickly to address this critical need of our national parks.

Our national parks are national treasures. They are a part of our heritage, a part of who we are as Americans. We need to take care of these parks so that they are still there, in all their glory, and still accessible for many generations to come.

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By Mr. SALAZAR:

S. 888. A bill to direct the Department of Homeland Security to provide guidance and training to State and local governments relating to sensitive homeland security information, and for other purposes; to the Committee on

Homeland Security and Governmental Affairs.

Mr. SALAZAR. Mr. President, I rise today to introduce an important piece of legislation to help our local first responders and emergency officials better prepare and respond to terrorist attacks.

State and local emergency officials represent more than 95 percent of America's counterterrorism capability. They are on the front lines of the war on terror. Despite this, there is still a fundamental disconnect between what we do in Washington to help and what state and local officials actually need. Too often this happens because people in Washington are not listening to our folks back home.

One familiar example is homeland security grant funding. In the years following 9/11, the Federal Government put more money into homeland security than ever before. Office of Domestic Preparedness Grants increased 2,900 percent from 2001 to 2003. The Federal Government acted quickly to get money out the door, but in too many cases, the Feds did not give States the guidance they needed to best use that money. As a result, State officials were left scratching their heads. Money was wasted and local officials did not get all the help they needed.

The same is true with antiterrorism intelligence. Police and fire departments across the country are being bombarded with terrorism intelligence from more than a dozen Federal sources. State officials are getting expensive Federal security clearances so that they can review spy reports. But State and local officials are not getting the guidance they need to help them talk to each other.

Police, firemen, and EMTs are the first people on site during an emergency, whether it is a terrorist attack or car accident. Our first responders must be given the information they need to safely handle any situation, the training they need to protect the public and the access to grants to purchase the proper tools to do their jobs—this legislation, if passed, will help do just that.

Right now, there are surprisingly few uniform standards for non-Federal agencies to handle sensitive homeland security information. While there are detailed procedures for handling classified documents created by the FBI, CIA and other Federal agencies, there is little real world guidance for how to make decisions about how to manage information from non-Federal sources, including locally generated homeland security plans, State-level grants and intelligence gathered by local law enforcement agencies.

This lack of guidance has real implications for public safety. Over the last few months, Colorado's State government has been fighting over the Secretary of State homeland security information. Currently, Colorado State law makes secret a wide swath of homeland security information, including any document sent to, from, or on behalf of the State Office of Preparedness, Security and Fire Safety. Local officials have trouble acquiring State information to help them develop antiterrorism plans, and even State legislators can't find out where homeland security money is going.

State officials across the country have wasted precious resources battling over what to make public and what to keep secret. They have established a wide array of procedures for sharing sensitive information among emergency management personnel. The current system of distributing homeland security intelligence and grants funding is inefficient and has failed to ensure an adequate balance between protecting sensitive information and ensuring that first responders and the public have the information they need to keep Coloradans and Americans safe.

The legislation I am introducing would take three steps to clearing up this confusion and giving States the tools they need to better prepare and respond to terrorist attacks.

First, it establishes detailed best practices for State and local governments to help them determine what homeland security information should be made public, what should remain classified, and how different government entities and emergency personnel can share and use sensitive information.

Second, it establishes a training program to spread these best practices among state and local officials.

Third, it directs the Department of Homeland Security to provide more detailed instructions to State and local officials about how to manage information about homeland security grants that are applied for and awarded by DHS.

This bill will give emergency officials across the country the tools they need so that they do not have to waste precious resources remaking the wheel on homeland security information sharing.

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. 888

*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 ''Homeland Security Information Guidance and Training Act of 2005''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) there are few uniform standards for State and local government agencies to handle sensitive homeland security information;

(2) there are detailed procedures for handling classified documents created by the Federal Government, but there is little guidance for how to make decisions relating to the management of information from non-Federal sources, including locally generated homeland security plans, State-level grants, and intelligence gathered by local law enforcement agencies;

(3) State and local government officials have—

(A) a wide variety of approaches for handling such information;

(B) wasted precious resources battling over what information to make public and what information to keep secret; and

(C) established a wide array of procedures for sharing sensitive information among emergency management personnel; and

(4) the current system is inefficient and has not ensured the adequate balance between protecting sensitive information and ensuring that public officials and the public have the information needed to keep the Nation safe.

**SEC. 3. GUIDANCE FOR BEST PRACTICES RELATING TO SENSITIVE INFORMATION.**

(a) IN GENERAL.—Consistent with section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)), the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection shall establish best practices for State and local governments to assist State and local governments in making determinations on—

(1) the types of sensitive non-Federal homeland security information (including locally generated homeland security plans, State-level grants, and intelligence gathered by local law enforcement information agencies) that—

(A) should be made available to the public; or

(B) should be treated as information which should not be made available to the public; and

(2) how to use and share sensitive homeland security information among State and local emergency management personnel.

(b) EFFECT ON STATE AND LOCAL GOVERNMENTS.—Nothing under subsection (a) shall be construed to—

(1) require any State or local government to comply with any best practice established under that subsection; or

(2) preempt any State or local law.

**SEC. 4. TRAINING.**

The Director of the Office for Domestic Preparedness shall—

(1) establish a training curriculum based on the best practices established under section 3; and

(2) provide training to State and local governments using that curriculum.

**SEC. 5. GUIDANCE ON GRANT INFORMATION.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish in the Federal Register detailed instructions for State and local governments on the management of information relating to homeland security grants administered by the Department of Homeland Security.

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By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. CORZINE, Mr. LEAHY, Mr. JEFFORDS, Mr. SCHUMER, Ms. COLLINS, Mr. DURBIN, and Ms. CANTWELL):

S. 889. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks, to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight, to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to offer a bill with my colleagues Senators SNOWE, CORZINE, LEAHY, CANTWELL, COLLINS, DURBIN, SCHUMER and JEFFORDS to close the SUV loophole.

This bill would increase Corporate Average Fuel Economy (CAFE) standards for SUVs and other light duty trucks. It would close the ''SUV Loophole'' and require that SUVs meet the same fuel efficiency standards as passenger cars by 2011.

Crude oil prices remain above $50/barrel. On April 1, 2005, crude oil prices hit a record high of $57.70/barrel. Prices at the gas pump continue to soar as well. Today, the average price for regular gasoline was $2.24 per gallon. In California, the average price is almost $2.60.

This is not a problem we can drill our way out of. Global oil demand is rising. China imports more than 40 percent of its record 6.4 million-barrel-per-day oil demand and its consumption is growing by 7.5 percent per year, seven times faster than the U.S.

India imports approximately 70 percent of its oil, which is projected to rise to more than 90 percent by 2020. Their rapidly growing economies are fueling their growing dependence on oil—which makes continued higher prices inevitable.

The most effective step we can take to reduce gas prices is to reduce demand. We must use our finite fuel supplies more wisely.

This legislation is an important first step to limit our nation's dependence on oil and better protect our environment.

If implemented, closing the SUV Loophole would: save the U.S. 1 million barrels of oil a day and reduce our dependence on oil imports by 10 percent.

Prevent about 240 million tons of carbon dioxide—the top greenhouse gas and biggest single cause of global warming from entering the atmosphere each year.

Save SUV and light duty truck owners hundreds of dollars each year in gasoline costs.

CAFE Standards were first established in 1975. At that time, light trucks made up only a small percentage of the vehicles on the road, they were used mostly for agriculture and commerce, not as passenger cars.

Today, our roads look much different, SUVs and light duty trucks comprise more than half of the new car sales in the United States. As a result, the overall fuel economy of our Nation's fleet is the lowest it has been in two decades, because fuel economy standards for these vehicles are so much lower than they are for other passenger vehicles.

The bill we are introducing today would change that. SUVs and other light duty trucks would have to meet the same fuel economy requirements by 2011 that passenger cars meet today.

The National Highway Traffic Safety Administration, NHTSA, has proposed phasing in an increase in fuel economy standards for SUVs and light trucks under the following schedule: by 2005, SUVs and light trucks would have to average 21.0 miles per gallon; by 2006, SUVs and light trucks would have to average 21.6 miles per gallon; and by 2007, SUVs and light trucks would have to average 22.2 miles per gallon.

In 2002, the National Academy of Sciences, NAS, released a report stating that adequate lead time can bring about substantive increases in fuel economy standards. Automakers can meet higher CAFE standards if existing technologies are utilized and included in new models of SUVs and light trucks.

In 2003, the head of the National Highway Traffic Safety Administration said he favored an increase in vehicle fuel economy standards beyond the 1.5-mile-per-gallon hike slated to go into effect by 2007. ''We can do better,'' said Jeffrey Runge in an interview with Congressional Green Sheets. ''The overriding goal here is better fuel economy to decrease our reliance on foreign oil without compromising safety or American jobs,'' he said.

With this in mind, we have developed the following phase-in schedule which would follow up on what NHTSA has proposed for the short term and remain consistent with what the NAS report said is technologically feasible over the next decade or so: by model year 2008, SUVs and light duty vehicles would have to average 23.5 miles per gallon; by model year 2009, SUVs and light duty vehicles would have to average 24.8 miles per gallon; by model year 2010, SUVs and light duty vehicles would have to average 26.1 miles per gallon, by model year 2011, SUVs and light duty vehicles would have to average 27.5 miles per gallon.

This legislation would do two other things: it would mandate that by 2008 the average fuel economy of the new vehicles comprising the Federal fleet must be 3 miles per gallon higher than the baseline average fuel economy for that class. And by 2011, the average fuel economy of the new federal vehicles must be 6 miles per gallon higher than the baseline average fuel economy for that class.

The bill also increases the weight limit within which vehicles are bound by CAFE standards to make it harder for automotive manufacturers to build SUVs large enough to become exempted from CAFE standards. Because SUVs are becoming larger and larger, some may become so large that they will no longer qualify as even SUVs anymore.

We are introducing this legislation because we believe that the United States needs to take a leadership role in the fight against global warming.

We have already seen the potential destruction that global warming can cause in the United States.

Snowpacks in the Sierra Nevada are shrinking and will almost entirely disappear by the end of the century, devastating the source of California's water.

Eskimos are being forced inland in Alaska as their native homes on the coastline are melting into the sea.

Glaciers are disappearing in Glacier National Park in Montana. In 100 years, the park has gone from having 150 glaciers to fewer than 30. And the 30 that remain are two-thirds smaller than they once were.

Beyond our borders, scientists are predicting how the impact of global warming will be felt around the globe.

It has been estimated that two-thirds of the glaciers in western China will melt by 2050, seriously diminishing the water supply for the region's 300 million inhabitants. Additionally, the disappearance of glaciers in the Andes in Peru is projected to leave the population without an adequate water supply during the summer.

The United States is the largest energy consumer in the world, with 4 percent of the world's population using 25 percent of the planet's energy.

And much of this energy is used in cars and light trucks: 43 percent of the oil we use goes into our vehicles and one-third of all carbon dioxide emissions come from our transportation sector.

The U.S. is falling behind the rest of the world in the development of more fuel efficient automobiles. Quarterly auto sales reflect that consumers are buying smaller more fuel efficient cars and sales of the big, luxury vehicles that are the preferred vehicle of the American automakers have dropped significantly.

Even SUV sales have slowed. First quarter 2005 deliveries of these vehicles are down compared to the same period last year—for example, sales of the Ford Excursion is down by 29.5 percent, the Cadillac Escalade by 19.9 percent, and the Toyota Sequoia by 12.6 percent.

On the other hand, the Toyota Prius hybrid had record sales in March with a 160.9 percent increase over the previous year.

The struggling U.S. auto market cannot afford to fall behind in the development of fuel efficient vehicles. Our bill sets out a reasonable time frame for car manufacturers to design vehicles that are more fuel efficient and that will meet the growing demand for more fuel efficient vehicles.

We can do this, and we can do this today. I urge my colleagues to support this legislation.

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. 889

*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 ''Automobile Fuel Economy Act of 2005''.

**SEC. 2. INCREASED AVERAGE FUEL ECONOMY STANDARD FOR LIGHT TRUCKS.**

(a) DEFINITION OF LIGHT TRUCK.—Section 32901(a) of title 49, United States Code, is amended—

(1) in each of paragraphs (1) through (14), by striking the period at the end and inserting a semicolon;

(2) in paragraph (15), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraphs (12) through (16) as paragraphs (13) through (17), respectively; and

(4) by inserting after paragraph (11) the following:

''(12) 'light truck' has the meaning given that term in regulations prescribed by the Secretary of Transportation in the administration of this chapter;''.

(b) REQUIREMENT FOR INCREASED STANDARD.—Section 32902(a) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' after ''**AUTOMOBILES**.—'';

(2) by striking ''The Secretary'' and inserting ''Subject to paragraph (2), the Secretary''; and

(3) by adding at the end the following :

''(2) The average fuel economy standard for light trucks manufactured by a manufacturer may not be less than 27.5 miles per gallon, except that the average fuel economy standard for light trucks manufactured by a manufacturer in a model year before model year 2011 and—

''(A) after model year 2008 may not be less than 23.5 miles per gallon;

''(B) after model year 2009 may not be less than 24.8 miles per gallon; and

''(C) after model year 2010 may not be less than 26.1 miles per gallon.''.

(c) APPLICABILITY.—Section 32902(a)(2) of title 49, United States Code, as added by subsection (b)(3), shall not apply with respect to light trucks manufactured before model year 2009.

**SEC. 3. FUEL ECONOMY STANDARDS FOR AUTOMOBILES UP TO 10,000 POUNDS GROSS VEHICLE WEIGHT.**

(a) VEHICLES DEFINED AS AUTOMOBILES.—Section 32901(a)(3) of title 49, United States Code, is amended by striking ''rated at—'' and all that follows and inserting ''rated at not more than 10,000 pounds gross vehicle weight.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2011.

**SEC. 4. FUEL ECONOMY OF THE FEDERAL FLEET OF VEHICLES.**

(a) DEFINITIONS.—In this section—

(1) the term ''class of vehicles'' means a class of vehicles for which an average fuel economy standard is in effect under chapter 329 of title 49, United States Code;

(2) the term ''executive agency'' has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)); and

(3) the term ''new vehicle'', with respect to the fleet of vehicles of an executive agency, means a vehicle procured by or for the agency after September 30, 2007.

(b) BASELINE AVERAGE FUEL ECONOMY.—The head of each executive agency shall determine the average fuel economy for all of the vehicles in each class of vehicles in the agency's fleet of vehicles in fiscal year 2006.

(c) INCREASE OF AVERAGE FUEL ECONOMY.—The head of each executive agency shall manage the procurement of vehicles in each class of vehicles for that agency to ensure that—

(1) not later than September 30, 2008, the average fuel economy of the new vehicles in the agency's fleet of vehicles in each class of vehicles is not less than 3 miles per gallon higher than the baseline average fuel economy determined for that class; and

(2) not later than September 30, 2011, the average fuel economy of the new vehicles in the agency's fleet of vehicles in each class of vehicles is not less than 6 miles per gallon higher than the baseline average fuel economy determined for that class.

(d) CALCULATION OF AVERAGE FUEL ECONOMY.—For purposes of this section—

(1) average fuel economy shall be calculated in accordance with guidance prescribed by the Secretary of Transportation for the implementation of this section; and

(2) average fuel economy calculated under subsection (b) for an agency's vehicles in a class of vehicles shall be the baseline average fuel economy for the agency's fleet of vehicles in that class.

Ms. SNOWE. Mr. President, I rise today to join my esteemed colleague, Senator FEINSTEIN as the lead cosponsor for the Feinstein-Snowe legislation that will rectify an unacceptable inequity when it comes to obtaining greater fuel economy for the vehicles we choose to drive. This bill allows us to take a road currently less traveled towards decreasing our Nation's need to import greater and greater amounts of foreign oil from the most volatile area of the globe, and at the same time, decrease polluting vehicle emissions that affect both the public's and the planet's health.

What is clear, on the eve of Earth Day, is that the Federal Government must lead in ensuring consumers a choice of vehicles with higher fuel economy, an appropriate degree of safety, and a minimal impact on our environment. Closing what is called the SUV loophole that allows popular SUVs and other light trucks to get only 20.7 miles per gallon while other passenger cars need to meet a 27.5 mile per gallon threshold, will help us meet these environmental, economic, and national security goals, and I think it's an idea whose time has long since arrived.

My colleague from California has been a passionate advocate of this proposal, and I'm proud to work with her again in introducing our practical, attainable bill that can garner the kind of broad support necessary to address this national imperative this year. Now I know when we first introduced our plan in 2001, some believed it was too much too soon, while others felt it didn't go far enough. And around here, that's usually a sign you're onto something. But can anyone honestly say we're better off today without nothing? That we're in better shape because we failed to pass what is possible four years ago?

This legislation is a critical first step to provide real relief from skyrocketing gas prices that have reached over $2 a gallon all across the county are estimated to stay high throughout the year. The increase in Corporate Average Fuel Economy, or CAFE, standards for the light trucks category—mostly SUVs and minivans—will ultimately decrease our need for foreign oil. I would like to bring to my colleagues' attention that every hour, $28 million leaves our country to pay for the Nation's unquenched thirst for foreign oil. When it comes to the fuel economy of America's sport utility vehicles, surely we can do better for our pocketbooks, for our planet, and for our promise for the future.

It is unacceptable to me that a developing country like China has put in place new regulations that are more stringent than U.S. CAFE standards to promote better fuel. economy in their vehicles and rein in that country's energy consumption. Like the U.S., China greatly depends upon foreign oil. However, China's GDP per capita was only approximately $860 in 2004 while the U.S. was at $35,000 per person. The standards that go into force in China in July of 2005, require that all new passenger cars get two miles per gallon more than U.S. CAFE standards. And SUVs will have to achieve 1.7 to 2.7 miles per gallon more depending on the make. By 2008, large cars in China will have to get 30.4 miles per gallon. China, very aware of their rising oil imports, skyrocketing oil prices, and their air pollution, are finding a way to achieve greater fuel economy, but the U.S. cannot? This makes absolutely no sense to me.

Right now, all our vehicles combined consume over 40 percent of our oil, while coughing up over 20 percent of U.S. carbon monoxide emissions—the greenhouse gas linked to global climate change. To put this in perspective, the amount of carbon monoxide emission just from U.S. vehicles alone is the equivalent of the fourth highest carbon monoxide emitting country in the world. Given these stunning numbers, how can we continue to allow SUVs to spew three times more pollution into the air than passenger cars?

Just think for a moment how much the world has changed technologically over the past 25 years. We've seen the advent of the home computer and the information age. Computers are now running our automobiles, and Global Positioning System devices are guiding drivers to their destinations. Are we to believe that technology couldn't have also helped those drivers burn less fuel in getting there? Are we going to say that the whole world has transformed, but America doesn't have the wherewith-all to make SUVs that get better fuel economy?

Well, I don't believe it, and neither does the National Academy of Sciences that issued a report in 2001 in response to Congress' request the previous year that the NAS study the issue. They concluded that it was possible to achieve a more than 40 percent improvement particularly in light truck and SUV fuel economy over a 10–15 year period—and that technologies exist now for improving fuel economy. That was 3½ years ago.

I don't want America's SUV manufacturers to be ''the industry that time forgot?'' and history clearly shows that the Federal Government must play a role in ensuring that consumers have a choice in vehicles with high degrees of fuel economy, an appropriate degree of

safety and a minimal impact on our environment. As the 2001 NAS Report also stated, ''Because of the concerns about greenhouse gas emissions and the level of oil imports, it is appropriate for the Federal Government to ensure fuel economy levels beyond those expected to result from market forces alone.'' How can we do anything less?

So many questions that we already have the answers to but not the initiative or will to do so. Closing the SUV loophole will help us achieve so many goals, and it's an idea whose time has long since arrived.

I ask for my colleagues' support for closing the SUV loophole, and I thank the Chair.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 118—RECOGNIZING JUNE 2 THROUGH JUNE 5, 2005, AS THE ''VERMONT DAIRY FESTIVAL,'' IN HONOR OF HAROLD HOWRIGAN FOR HIS SERVICE TO HIS COMMUNITY AND THE VERMONT DAIRY INDUSTRY

Mr. JEFFORDS (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 118

Recognizing June 2 through June 5, 2005, as the ''Vermont Dairy Festival'', in honor of Harold Howrigan for his service to his community and the Vermont dairy industry.

Whereas the town of Enosburg Falls, Vermont, will host the ''Vermont Dairy Festival'' from June 2 through June 5, 2005;

Whereas the men and women of the Enosburg Lions Club will sponsor the Vermont Dairy Festival, which celebrates its 49th year;

Whereas the Vermont Dairy Festival is a beloved expression of the civic pride and agricultural heritage of the people of Enosburg Falls and Franklin County, Vermont;

Whereas the people of Enosburg Falls and Franklin County have long-held traditions of family owned and operated dairy farms;

Whereas the St. Albans Cooperative Creamery, Inc., which was established in 1919, is a farmer-owned cooperative;

Whereas Harold Howrigan served on the Board of the St. Albans Cooperative for 24 years;

Whereas Mr. Howrigan was the President of the Board of the St. Albans Cooperative for 17 years;

Whereas Mr. Howrigan recently retired from his position as President of the Board of the St. Albans Cooperative; and

Whereas Mr. Howrigan led the St. Albans Cooperative to uphold the region's traditions and to meet future challenges: Now, therefore, be it

*Resolved,* That the Senate recognizes June 2 through June 5, 2005, as the ''Vermont Dairy Festival'', in honor of Harold Howrigan for his service to his community and the Vermont dairy industry.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 564. Mr. CRAIG (for himself and Mr. AKAKA) proposed an amendment to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

SA 565. Mr. STEVENS (for Mr. DEWINE) submitted an amendment intended to be proposed by Mr. STEVENS to the bill H.R. 1268, supra.

SA 566. Mr. STEVENS (for Mr. FRIST) submitted an amendment intended to be proposed by Mr. STEVENS to the bill H.R. 1268, supra.

## TEXT OF AMENDMENTS

**SA 564.** Mr. CRAIG (for himself and Mr. AKAKA) proposed an amendment to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. ___. TRAUMATIC INJURY PROTECTION.**

(a) IN GENERAL.—Subchapter III of chapter 19, Title 38, United States Code, is amended—

(1) in section 1965, by adding at the end the following:

''(11) The term 'activities of daily living' means the inability to independently perform 2 of the 6 following functions:

''(A) Bathing.

''(B) Continence.

''(C) Dressing.

''(D) Eating.

''(E) Toileting.

''(F) Transferring.''; and

(2) by adding at the end the following:

**''§ 1980A. Traumatic injury protection**

''(a) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatically be issued a traumatic injury protection rider that will provide for a payment not to exceed $100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to $100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

''(b)(1) A member who is issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—

''(A) total and permanent loss of sight;

''(B) loss of a hand or foot by severance at or above the wrist or ankle;

''(C) total and permanent loss of speech;

''(D) total and permanent loss of hearing in both ears;

''(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints;

''(F) quadriplegia, paraplegia, or hemiplegia;

''(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face; and

''(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.

''(2) For purposes of this subsection—

''(A) the term 'quadriplegia' means the complete and irreversible paralysis of all 4 limbs;

''(B) the term 'paraplegia' means the complete and irreversible paralysis of both lower limbs; and

''(C) the term 'hemiplegia' means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

''(3) The Secretary, in collaboration with the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.

''(c) A payment under this section may be made only if—

''(1) the member is insured under Servicemembers' Group Life Insurance when the traumatic injury is sustained;

''(2) the loss results directly from that traumatic injury and from no other cause; and

''(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

''(d) Payments under this section for losses described in subsection (b)(1) shall be—

''(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

''(2) based on the severity of the covered condition; and

''(3) in an amount that is equal to not less than $25,000 and not more than $100,000.

''(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

''(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary of Veterans Affairs (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the Secretary of the concerned service from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

''(3) The Secretary of Veterans Affairs shall determine the premium amounts to be

charged for traumatic injury protection coverage provided under this section.

''(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

''(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary of Veterans Affairs in advance of that policy year.

''(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member's uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

''(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as determined according to sound actuarial principles by the Secretary of Veterans Affairs.

''(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

''(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

''(g) Payment for a loss resulting from traumatic injury will not be made if the member dies before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the injury. If the member dies before payment to the member can be made, the payment will be made according to the member's most current beneficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.

''(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.

''(i) Insurance coverage provided under this section is not convertible to Veterans' Group Life Insurance.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 19 of title 38, United States Code, is amended by adding after the item relating to section 1980 the following:

''1980A. Traumatic injury protection.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.

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**SA 565.** Mr. STEVENS (for Mr. DEWINE) submitted an amendment intended to be proposed by Mr. STEVENS to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

On page 169, between lines 8 and 9, insert the following:

SENSE OF SENATE ON INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS

SEC. 1122. It is the sense of the Senate that—

(1) Congress should enact an amendment to section 1079 of title 10, United States Code, in order to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days under that section such that the period of continued eligibility is the longer of—

(A) the three-year period beginning on the date of death of the member;

(B) the period ending on the date on which the child attains 21 years of age; or

(C) in the case of a child of a deceased member who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier—

(i) the date on which the child ceases to pursue such a course of study, as determined by the administering Secretary; or

(ii) the date on which the child attains 23 years of age; and

(2) Congress should make the amendment applicable to deaths of members of the Armed Forces on or after October 7, 2001, the date of the commencement of military operations in Afghanistan.

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**SA 566.** Mr. STEVENS (for Mr. FRIST) submitted an amendment intended to be proposed by Mr. STEVENS to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

On page 231, between lines 3 and 4, insert the following new section:

RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA

SEC. 6047. (a) Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end ''or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);''; and

(2) in clause (i), by striking ''or'' after ''national;''.

(b) Section 202 of such Act (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

''(f) SPECIAL RULE FOR AUSTRALIA.—The total number of aliens who may acquire nonimmigrant status under section 101(a)(15)(E)(iii) may not exceed 5000 for a fiscal year.''.

(c) Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting '', section 101(a)(15)(E)(iii),'' after ''section 101(a)(15)(H)(i)(b)''.

(d) Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108–77; 117 Stat. 941), is amended—

(1) by inserting ''or section 101(a)(15)(E)(iii)'' after ''section 101(a)(15)(H)(i)(b1)'' each place it appears;

(2) in paragraph (3)(C)(i)(II), by striking ''or'' in the third place it appears;

(3) in paragraph (3)(C)(ii)(II), by striking ''or'' in the third place it appears; and

(4) in paragraph (3)(C)(iii)(II), by striking ''or'' in the third place it appears.

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## NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on National Parks has scheduled a hearing to review the National Park Service's funding needs for administration and management of the national park system.

The hearing will be held on Tuesday May 10, 2005, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC.

For further information, please contact Tom Lillie at (202) 224–5161 or Brian Carlstrom at (202) 224–6293.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 27, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an Oversight Hearing on Regulation of Indian Gaming.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 11, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an Oversight Hearing on Federal Recognition of Indian Tribes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 21, 2005, at 10 a.m., in open session to consider the following nominations: Mr. Kenneth J. Krieg to be Under Secretary of Defense for Acquisition, Technology and Logistics; and Lieutenant General Michael V. Hayden, USAF, for appointment to the grade of General and to be Deputy National Intelligence Director.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. ROBERTS. 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 April 21, 2005, at 10 a.m. to conduct a hearing on ''Regulatory Reform on the Housing Government-Sponsored Enterprises.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. ROBERTS. 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 April 21, 2005, at 2:30 p.m. to conduct a hearing on ''HUD's Fiscal Year 2005 Budget.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 21, 2005, at 10 a.m., in 628 Dirksen Senate Office Building, to consider the nomination of Robert J. Portman to be United States Trade Representative.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 21, 2005 at 9:30 a.m. to hold a hearing on multilateral development banks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROBERTS. 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, April 21, 2005 at 10 a.m. in SD–430

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 21, 2005 at 9:30 a.m. in Dirksen room 226.

*I. Nominations*

Terrence W. Boyle, II, to be U.S. Circuit Judge for the Fourth Circuit; Priscilla R. Owen, to be U.S. Circuit Judge for the Fifth Circuit; and Janice Rogers Brown, to be U.S. Circuit Judge for the District of Columbia Circuit.

*II. Bills*

S. 378, Reducing Crime and Terrorism at America's Seaports Act of 2005, BIDEN, SPECTER, FEINSTEIN, KYL, CORNYN; and S. 629, Railroad Carriers and Mass Transportation Act of 2005, SESSIONS, KYL.

*III. Matters*

Asbestos, Senate Judiciary Committee Rules.

THE PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON PRINTING

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Joint Committee on Printing be authorized to meet during the session of the Senate on Thursday, April 21, 2005 at 2 p.m. to conduct an organizational meeting.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 21, 2005 at 2:30 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, April 21st, 2005, at 2:30 p.m., for a hearing regarding ''An Assessment of the President's Management Agenda''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on ''The Patent System Today and Tomorrow'' on Thursday, April 21, 2005 at 2:30 p.m., in Dirksen 226.

Panel I: Jon W. Dudas, Undersecretary of Commerce for Intellectual Property, Director of the U.S. Patent and Trademark Office, Department of Commerce, Arlington, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, April 21, 2005 at 10:30 a.m. for a hearing entitled, ''Employing Federal Workforce Flexibilities: A Progress Report.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. ROBERTS. Mr. President, I ask unanimous consent that the subcommittee on Personnel be authorized to meet during the session of the Senate on April 21, 2005, at 1:30 p.m., in open session to receive testimony on the Present and Future Costs of Department of Defense Health Care, and National health Care Trends in the Civilian Sector.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, April 21, 2005, at 9:30 a.m. on Amtrak Reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR STAR PRINT—S. 786

Mr. FRIST. I ask unanimous consent S. 786 be Star Printed with the changes at desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURES READ THE FIRST TIME—S. 870, S. 871, S. 872, S. 873, S. 874

Mr. FRIST. I understand there are five bills at the desk and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 870) to prohibit energy market manipulation.

A bill (S. 871) to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes.

A bill (S. 872) to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

A bill (S. 873) to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

A bill (S. 874) to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

Mr. FRIST. I now ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own requests, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be read the second time on the next legislative day.

## AMENDING THE AGRICULTURAL CREDIT ACT OF 1987

Mr. FRIST. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of S. 643 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 643) to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

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 that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 643) was read the third time and passed, as follows:

S. 643

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

**SECTION 1. REAUTHORIZATION OF STATE MEDIATION PROGRAMS.**

Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking ''2005'' and inserting ''2010''.

## ORDERS FOR FRIDAY APRIL 22, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, April 22. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then to begin a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will be in a period of morning business. There will be no rollcall votes during tomorrow's session. The next vote will occur on Tuesday of next week. It is my hope we will be able to begin consideration of the highway bill early next week, and I will have more to say on next week's schedule tomorrow.

Before we close, I do want to congratulate Chairman COCHRAN as well as the ranking member for their efforts on the emergency supplemental today. With the passage vote of 99 to zero, that bill shortly will go to conference committee for a final product. I thank the two managers for their time and patience on the floor during the consideration of the bill.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Friday, April 22, 2005, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 21, 2005:

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*

LT. GEN. ROBERT W. WAGNER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.C.C., SECTION 10506:

*To be lieutenant general*

MAJ. GEN. CLYDE A. VAUGHN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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. JOHN W. BERGMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

*To be lieutenant commander*

JOEL P. BERNARD, 0000
JOSHUA D. BIGHAM, 0000
CHAD A. BOLLMANN, 0000
DERRICK D. BOOM, 0000
LESTER A. BROWN, JR., 0000
FRANKIE J. CLARK, 0000
ERIC D. COLE, 0000
KENNETH S. DOUGLAS, 0000
JESSE G. ESPE, 0000
JEFFREY P. FENDICK, 0000
MICHAEL E. FREED, 0000
KEVIN P. GALLAGHER, 0000
PATRICK M. GESCHKE, 0000
LARRY S. HAND, 0000
INDALECIO M. HERNANDEZ, 0000
CHRISTOPHER T. HORGAN, 0000
PATRICK J. HOUGH, 0000
SCOTT A. JONES, 0000
HARRY L. JUNEAU, 0000
DANIEL B. MCFALL, 0000
GREGORY L. MORRIS, 0000
PAUL M. NIELSON, 0000
SCOTT A. NOE, 0000
MITCHELL K. OCONNOR, 0000
BRIAN S. ONEILL, 0000
ANDREW L. PRESBY, 0000
JAMES T. ROBINSON, 0000
DARREN C. ROE, 0000
SCOTT E. SHEA, 0000
TIMOTHY C. SPENCE, 0000
MATTHEW J. STEENO, 0000
ANDREW P. THOMAS, 0000
JAMES E. THOMAS, 0000
CHRISTOPHER J. WILLIAMS, 0000
MARC K. WILLIAMS, 0000

## CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 21, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN D. NEGROPONTE, OF NEW YORK, TO BE DIRECTOR OF NATIONAL INTELLIGENCE.

LIEUTENANT GENERAL MICHAEL V. HAYDEN, UNITED STATES AIR FORCE, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

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.

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 general*

LT. GEN. MICHAEL V. HAYDEN

# EXTENSIONS OF REMARKS

## DEATH TAX REPEAL PERMANENCY ACT OF 2005

SPEECH OF

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 2005*

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in opposition to H.R. 8, the Republican Estate Tax bill. This legislation is further evidence of Republican's chronic addiction to digging deeper into debt. At a time when we face a deficit of over $400 billion, Republicans today chose to pass a bill that will cost Americans another $290 billion—with the cost growing to nearly a trillion dollars after 10 years. This vote comes less than a month after the Majority supported a budget that will slash funding from education and from our firefighters, police, and veterans. This is a clear statement of the majority's priority which is to put corporations and the very rich ahead of our families and communities.

Another rarely discussed provision of the Republican bill is the repeal of ''step-up in basis'', which will result in an increase in capital gains taxes and additional compliance burdens for many estates. This means that more families, businesses and family farms will have an increased tax liability rather than receive any benefit from this repeal.

I support the Democratic alternative, the Certain and Immediate Estate Tax Relief Act, which would take effect next year and exempt 99.7 percent of families and businesses from this tax for a third of the cost of the Republican proposal. In fact, if this substitute is adopted, all but 71 Minnesota families, 11 North Dakota families, and 5 South Dakota families will be exempted from the estate tax.

Permanent repeal of the estate tax benefits only the very wealthiest in our society while endangering our long-term economic stability and the solvency of Social Security and Medicare. It is my hope that Congress and the Administration will end this reckless spending and return us to common-sense, responsible public policy that makes the health, education and safety of American families our top priority.

## IN HONOR OF ASSEMBLYWOMAN LINDA R. GREENSTEIN

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Assemblywoman Linda R. Greenstein for her exceptional efforts and unwavering commitment to worker issues. Assemblywoman Greenstein received the Hubert H. Humphrey Friend of Labor Award, sponsored by the AFL–CIO, at the annual Labor Awards Breakfast on Sunday, April 17, 2005.

As a third-term Assemblywoman for the 14th legislative district, Assemblywoman Greenstein has proven herself to be an outstanding political leader. She currently serves as the Chair of the Judiciary Committee, the Assistant Majority Leader of the Assembly, the Vice-Chair of the Assembly Federal Relations Committee, and as a member of the Budget Committee.

In the Assembly, she has strived to achieve positive policy changes, particularly in the areas of labor and the protection of personal freedoms and workers' rights. Assemblywoman Greenstein is the main sponsor of the Call Center Disclosure Bill and the author of New Jersey's anti-telemarketing law. She sponsored the bill-turned-law that added two union members to the State Health Benefits Commission. Throughout the years, she has consistently supported bills that would enact workers compensation reform and ensure the rights and well-being of New Jersey citizens.

Her past leadership endeavors include serving as Vice-President of the Mercer County School Boards Association and being elected to the Plainsboro Township Committee for six years. Currently, she is a board member of multiple community organizations, such as the New Jersey Council for the Humanities and the Boy Scouts of America.

Besides her political career, Assemblywoman Greenstein has had an extensive law career working as an Assistant District Attorney in Philadelphia, a Clinical Associate Professor at Seton Hall Law School, and a Deputy Attorney General in the Division of Criminal Justice in Trenton.

Assemblywoman Greenstein attended Vassar College, John Hopkins University, and the Georgetown University Law Center. She and her husband have one son and live in Plainsboro.

Today, I ask my colleagues to join me in honoring Assemblywoman Linda R. Greenstein for her dedicated commitment to serving her community, her extensive involvement in political affairs, and her tireless efforts to serve the people of New Jersey.

## RECOGNIZING STEVEN TODD ORR FOR ACHIEVING THE RANK OF EAGLE SCOUT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Steven Todd Orr, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout. Steven received his Eagle Award on March 5, 2005 at an Eagle Court of Honor in Platte Woods, Missouri.

Steven has been very active with his troop, participating in many Scout activities. Over the many years, Steven has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community. He is truly an exemplary Scout.

For his Eagle project, Steven designed and built a Prayer Path at Platte Woods United Methodist Church, where I might add, his Eagle Court of Honor was held. Steven's work on this project included designing, planning, and implementing the path construction on newly acquired church property. Steven cleared the path area, and installed rock and flagstones, as well as plant life. The project provides church members with a place to pray and reflect.

Mr. Speaker, I proudly ask you to join me in commending Steven Todd Orr for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING THE CONTRIBUTIONS OF AMANDA VERNOR, BALL ELEMENTARY TEACHER OF THE YEAR

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Amanda Vernor, Ball Elementary School Teacher of the Year.

Ms. Vernor holds a Bachelor of Science degree in Interdisciplinary Studies with a Specialization in Reading from Southwest Texas State University. She is currently updating her credentials as a participant in the University of North Texas Master's program, where she is pursuing a degree in Information Sciences.

Amanda Vernor instructs her fourth grade class in a variety of subjects: reading, writing, math, and science. She is a relatively new teacher: she has three years of experience, all with the Seguin Independent School District. She is already making a difference for her students, however, helping to turn them into successful lifelong learners.

Ms. Vernor believes in challenging her students: she is known to say that ''students will live up to your lowest expectation.'' She believes that what students need is guidance in planning a course of action to achieve their goals, and she aims to provide that for them.

Amanda Vernor is an exemplary teacher, and a blessing to the people of Seguin. She has an excellent career ahead of her, and I wish her the best of luck.

## DEFIBRILLATORS IN ALACHUA COUNTY SCHOOLS

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. STEARNS. Mr. Speaker, I rise today to speak on the importance and effectiveness of defibrillators. Heart disease kills more than 250,000 Americans each year and many of these deaths result from sudden cardiac arrest, SCA. The most effective treatment for SCA is immediate defibrillation, in which thousands of lives are saved. Recognizing this years ago, I had the honor of working with the American Heart Association, AHA, in developing legislation addressing SCA. This cooperation led to the Cardiac Arrest Survival Act. Now, I am pleased to see that the AHA is donating, to Alachua County, Florida, defibrillators to be placed in each public school in Alachua County. The move comes in light of two incidents earlier this school year, in which area high school students collapsed. In Florida, nearly 12,800 people suffer a cardiac arrest each year, and 95 percent of them die. AHA's goal is to increase the survival rate from 5 to 20 percent and I support and stand behind them in reaching this end.

## TRIBUTE TO POPE BENEDICT XVI

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. BACA. Mr. Speaker, I rise to pay tribute to a man who embodies the values of strength and wisdom. Seventeen days after Pope John Paul II sadly succumbed to illnesses related to Parkinson's disease, the Catholic community and the world witnessed the ascension of a new leader, former Cardinal Joseph Ratzinger, to the papacy.

Today, I join millions of Catholics around the world in celebrating the election of Pope Benedict XVI and know that His Holiness will continue to lead our church with the integrity and compassion exhibited by the dearly departed Pope John Paul II.

Since 1981, Pope Benedict XVI has led the Congregation for the Doctrine of the Faith where his deep-seated religious beliefs played an enormous role in stabilizing the Catholic Church and community. He was a close confidant of Pope John Paul II and is known to all as a respected scholar and teacher of the Catholic faith.

For over 54 years, Pope Benedict XVI has dedicated himself to his God and his creed. He studied at St. Michael's seminary in Traunstein, Germany in the 1940s and believes intimately in church doctrine and the orthodoxy of Catholicism. As the first German pope since the 11th century, he will continue the legacy of advocating for peace, social justice, and the dignity of the human spirit.

Pope Benedict is a steadfast believer in religious freedom and respect among all people of this world. He has a vision of how the Catholic Church will shape our world and future and will teach with humility and lead with grace.

Mr. Speaker, I applaud the Church for their decision to elect Pope Benedict XVI to this special and divine position. I am happy to have him as my spiritual leader and guide and hope that others will celebrate the new pope of the Catholic Church.

## RECOGNIZING TRAVIS R. VOGEL FOR ACHIEVING THE RANK OF EAGLE SCOUT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Travis R. Vogel, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout. Travis received his Eagle Award on March 5, 2005 at an Eagle Court of Honor in Platte Woods, Missouri.

Travis has been very active with his troop, participating in many Scout activities. Over the many years Travis has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community. He is truly an exemplary Scout.

For his Eagle project, Travis remodeled the walls of the VFW basement. Travis installed new window well frames, and installed new siding—which he also painted—on the exterior. His work on the interior included new drywall, patching existing wall surfaces, texturing and painting the walls, and adding a chair rail. The project provided the VFW with a nicer looking space, and the window framing in particular will help the VFW save on energy costs.

Mr. Speaker, I proudly ask you to join me in commending Travis R. Vogel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## IN RECOGNITION OF MR. STEPHEN ADUBATO, SR. AND DR. STEPHEN ADUBATO, JR., RECIPIENTS OF THE JEWISH NATIONAL FUND'S ''TREE OF LIFE'' AWARD

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. ROTHMAN. Mr. Speaker, I rise today with great pleasure to honor representatives of two generations of an extraordinarily talented family from the great state of New Jersey, Mr. Stephen Adubato, Sr., and his son, Dr. Stephen Adubato, Jr. Both members of this truly remarkable father-and-son team are to be presented with the Tree of Life Award by the Jewish National Fund on June 1, 2005 in Livingston, New Jersey. The Adubatos, as well as the former Governor, the very Honorable Thomas Kean, Sr. and his distinguished son, New Jersey State Senator Thomas Kean, Jr., have been chosen to receive this prestigious honor for compiling such exemplary records of public service. Past recipients have included such outstanding public servants as United States Senator JON CORZINE, Representative BILL PASCRELL, two former Governors of the State of New Jersey, and corporate leaders Ted Turner and Donald Trump.

Mr. Adubato, Sr., is the founder and Executive Director of the North Ward Center, Newark Business Training Institute, The Robert Treat Academy Charter School and Casa Israel. His life's work has demonstrated to the people of his native city, Newark, and the entire state of New Jersey, just what one dedicated, brilliant, and courageous man can accomplish to improve his community's educational, civic, and cultural life. Mr. Adubato, Sr., has also served as a teacher, supervisor, and counselor for the Newark Board of Education, an instructor and consultant at Rutgers University, a consultant to New Jersey's Chancellor of Higher Education, and Director of External Affairs at the University of Medicine and Dentistry of New Jersey.

Like his father, Dr. Stephen Adubato, Jr., has also compiled a distinguished career as a four-time Emmy Award-winning broadcaster, best-selling author and motivational speaker. In the mid–1980s, at the age of 26, he served as New Jersey's youngest state legislator. Since then, he has been seen on-air as an expert commentator for MSNBC, the FOX News Channel, WABC-TV, and WNET, the leading public television station in the Greater New York City metropolitan area. In 1995, Dr. Adubato started a company called ''Stand and Deliver'' that is geared to helping people become better communicators. In 1999, he founded ''Stand and Deliver: Communication Tools for Tomorrow's Leaders,'' a non-profit program which provides many young people with the communications tools they need to become better citizens and to more effectively compete for and succeed in the growingly complex job market. He currently hosts two shows on public television, ''Caucus New Jersey,'' an Emmy Award-winning public affairs television series and ''Inside Trenton,'' an insightful and innovative news program that covers public affairs on a weekly basis.

Founded in 1901, the Jewish National Fund is one of the premier organizations in the world devoted to the welfare of the people and land of Israel. The Tree of Life Award is a humanitarian award that the Fund presents to individuals in appreciation of their outstanding community involvement, their dedication to the cause of American-Israeli friendship, and their devotion to peace and security. The award recognizes outstanding leaders for their achievements and innovations in industry, government and education.

Mr. Speaker, I would like to ask my colleagues to join me in recognizing the outstanding contributions to New Jersey's civic life made by Mr. Stephen Adubato, Sr., and Dr. Stephen Adubato, Jr., and to acknowledge their lifetime of good works, as well as those of former Governor Thomas Kean, Sr., and State Senator Thomas Kean, Jr. Individuals such as these make me proud to be a New Jerseyan and proud to call these wonderful people my friends.

## HONORING THE CONTRIBUTIONS OF PRISCILLA DIAZ, JEFFERSON ELEMENTARY TEACHER OF THE YEAR

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Priscilla Diaz, Jefferson Elementary Teacher of the Year.

Ms. Diaz did not start out in education; originally, she received her Bachelor's degree in Business Management from Texas A&M University at Kingsville. She later returned to school at Southwest Texas State University, where she received her Master's in Education.

Priscilla Diaz is one of Jefferson Elementary's newer teachers, with three years of teaching experience. Already, however, she is making an impact in her profession, and changing the lives of her fourth-grade students.

Ms. Diaz believes in the importance of helping her students develop strong character. She teaches her children to be accountable for their actions, to have pride in themselves, and to fulfill the responsibilities that are assigned to them. She feels that teaching is a unique profession: both a privilege and a challenge.

Ms. Priscilla Diaz has accomplished a great deal thus far, and she has a bright future ahead of her in education. By helping our children grow up as responsible and productive citizens, she is doing a tremendous favor to all of us. I am proud to have had the opportunity to recognize her for her dedication.

## CONGRATULATIONS TO MS. PEGGY STEWART

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. GARRETT of New Jersey. Mr. Speaker, today I extend congratulations and thanks to Ms. Peggy Stewart, a teacher at Vernon Township High School in Sussex County, New Jersey. Ms. Stewart, who teaches and resides in the Fifth Congressional District, was selected from nominees across the state to receive the 2004–2005 New Jersey Teacher of the Year award.

This week, Ms. Stewart and other distinguished teachers from around the country are in Washington to be recognized.

Since she began teaching at Vernon Township High School in 1991, Ms. Stewart has received numerous awards and citations for her excellence in the classroom. She's been noted in ''Who's Who Among America's Teachers,'' and was recognized as a premier humanities instructor by the New Jersey Council for the Humanities.

In selecting Ms. Stewart for this honor, the New Jersey Board of Education cited her individualistic approach to her students and her persistence in creating well-rounded experiences to develop her students' sense of citizenship.

I want to congratulate Ms. Stewart of Vernon Township High School for being selected for this prestigious honor. She is a credit to New Jersey and a credit to our many outstanding educators.

Historian Henry Adams said, ''A teacher affects eternity; he can never tell where his influence stops.'' We know that Ms. Stewart's work to engage young adults and encourage their development as informed, involved and thoughtful citizens will benefit our community for generations to come. Today, I am honored to join in the applause for one of the Nation's great teachers—Ms. Peggy Stewart. We are grateful for your dedication to providing New Jersey children with an outstanding education.

## RECOGNIZING SPENCER PRESTON HARRIS FOR ACHIEVING THE RANK OF EAGLE SCOUT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Spencer Preston Harris of Platte City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Spencer has been a part of Troop 351 for 5 years, and during that time period he has served in a variety of leadership positions. He has served his troop as Patrol Leader, Quartermaster, Assistant Senior Patrol Leader, Librarian, and finally Senior Patrol Leader. During that time period, he earned 45 merit badges and the God and Church Medal. In addition to the numerous leadership positions and merit badges, Spencer is a Brotherhood Member in the Order of the Arrow, a Warrior in the Tribe of Mic-O-Say, and spent 5 years at the H. Roe Bartle Scout Reservation. Spencer also participated in Junior Leader Basic Training and World Conservation, has 38 total service hours, 98 nights camping, and 50 miles hiking. He is truly an exemplary Scout.

For his Eagle Scout project, Spencer folded, repaired, and boxed 47,000 American Flags that decorate graves at the Leavenworth, Kansas military cemetery.

Mr. Speaker, I proudly ask you to join me in commending Spencer Preston Harris for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING PROVIDENCE PEDIATRIC MEDICAL DAY CARE, INC.

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. ANDREWS. Mr. Speaker, I rise today to honor Providence Pediatric Medical Day Care, Inc., for its valuable service to New Jersey's most medically challenged children. Providence provides world class medical day care with ongoing monitoring and assessment by professional nurses for a broad range of illnesses and medical conditions. Serving an overwhelmingly inner city infant population, the company works with parents to help advise them on health conditions and care standards that can be followed at home.

On April 22nd, 2005, Providence will hold an official grand opening of its new corporate office in West Berlin, New Jersey. They currently employ 65 professional staff, and operate three pediatric medical daycare centers in Camden, Lawnside, and Pleasantville, New Jersey.

Mr. Speaker, Providence Pediatric provides essential services to some of the neediest people in our community. I applaud them for their hard work, and I wish everyone at Providence the best of luck in their new office.

## HONORING THE CONTRIBUTIONS OF CAROL HARWOOD PATLAN ELEMENTARY SCHOOL TEACHER OF THE YEAR

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Carol Harwood, the Patlan Elementary School Teacher of the Year.

Carol Harwood is a highly qualified bilingual first grade teacher at Patlan Elementary. She received her Associate Degree from Sullins College in Virginia, and later earned both a Bachelor's Degree from SMU, and a Masters Degree from Texas Woman's University.

She has spent the last 28 years gaining valuable experience in education, serving both our youth and our community. Carol Harwood worked as an assistant elementary school principal in both Dallas and Port Isabel before returning to teaching at Patlan Elementary.

As a bilingual first grade teacher, Ms. Harwood understands the unique needs of our students. Her passion for teaching is complemented by both her years of experience, and her unique perspective as a former school administrator. Carol Harwood is currently being honored as the Patlan Elementary School Teacher of the Year.

It is an honor to recognize the accomplishments of Carol Harwood of Patlan Elementary School. Her dedication and love of teaching has helped to ensure that our children are the real winners.

## REGARDING THE DIABETIC FOOT COMPLICATION AND LOWER EXTREMITY AMPUTATION REDUCTION ACT OF 2005

### HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. BAKER. Mr. Speaker, as the Federal Government seeks to provide better healthcare to more Americans while reducing healthcare expenses, we must look at the benefits of preventive care programs. Education, screening and preventive treatments can save patients and government significant heartache and expense. One area where preventive care shows tremendous promise is the treatment of diabetic foot complications.

Approximately 18 million Americans have diabetes, an increase of 61 percent since 1990. As diabetes rates continue to rise, the cost of treating diabetes, already estimated at $132 billion, will certainly rise. One of the most serious complications diabetes patients face is poor circulation and infections in their lower extremities. In fact, diabetic foot infections are the most common reason for hospital admissions among persons with diabetes, accounting for 25 percent of all diabetic admissions in the United States. Loss of circulation and feeling present real challenges to people with diabetes and 15 percent of people with diabetes will experience a foot ulcer, and between 14 and 24 percent of those with a foot ulcer will require amputation. Each year approximately 86,000 non-traumatic lower-limb amputations are performed each year among people with diabetes.

Lower extremity amputations cost Americans $2 billion a year, with each procedure totaling approximately $60,000. Although private insurance bears some of this expense, Medicare is saddled with many of these costs since these complications disproportionately affect the elderly. For example, analysis of the 1995 Medicare claims revealed that lower-extremity ulcer care accounted for $1.45 billion in Medicare costs and contributed substantially to the high cost of care for diabetics, compared with Medicare costs for the general population. In fact, the Medicare costs for diabetes patients with foot ulcers is 3 times higher than for diabetes patients in general, and inpatient care accounts for 74 percent of diabetic ulcer-related costs.

Fortunately, cost effective ulcer prevention and treatment interventions have proven effective at reducing foot complications and lower extremity amputations at only a fraction of the cost. Studies show that a multidisciplinary approach, including preventive strategies, patient and staff education, and treatment of foot ulcers, can reduce amputation rates up to 85 percent. Nationwide reductions of this size would save Americans as much as $1.7 billion a year. The American Diabetes Association estimates that comprehensive foot care programs can reduce amputation rates up to 85 percent. Furthermore, the LSU Health Sciences Center Diabetes Foot Program in Baton Rouge, Louisiana enrolled over 2,300 diabetes patients with published research demonstrating their prevention and treatment program resulted in an 89 percent reduction in foot related hospitalizations, an 81 percent reduction in emergency room visits, and a 79 percent reduction in foot amputations at a cost of about 50 percent of standard care. Unfortunately, a 2002 National Institutes of Health (NIH) study shows that less than 2 percent of adult diabetics receive the level of care recommended by the American Diabetes Association.

With sound research showing the benefits of preventive care for people with diabetes, now is the time to commission a large, authoritative study on the issue. The results of this study will serve as solid evidence to public and private organizations of the need for preventive care to aid in the reduction of diabetes foot complications and will help foster technical and policy changes to healthcare programs. In addition, thousands of Americans who participate in this study will benefit from the education and treatment provided by this grant program.

Mr. Speaker, I hope members will consider these facts and cosponsor the ''Diabetic Foot Complication and Lower Extremity Amputation Reduction Act of 2005.''

## RECOGNIZING SAWYER DANIEL BRESLOW FOR ACHIEVING THE RANK OF EAGLE SCOUT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sawyer Daniel Breslow of Platte City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Sawyer has been a part of Troop 351 for 5 years, and during that time period he has served in a variety of leadership positions. He has served his troop as Assistant Patrol Leader, Patrol Leader, Scribe, Librarian, and Quartermaster. During that time period, he earned 50 merit badges and the God and Church Medal. In addition to the numerous leadership positions and merit badges, Sawyer is a Brotherhood Member in the Order of the Arrow, a Warrior in the Tribe of Mic-O-Say, and spent 5 years at the H. Roe Bartle Scout Reservation. Sawyer also participated in Den Chief Training, Junior Leader Basic Training, Snorkeling, Mile Swim, and National Camping. Sawyer also has 68 service hours, 93 nights camping, and 53 miles hiking. He is truly an exemplary Scout.

For his Eagle Scout project, Sawyer planned and built a large board game table with playing pieces for the Ronald McDonald House in Kansas City, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Sawyer Daniel Breslow for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING CHIEF WARRANT OFFICER TWO CLINT. J. PRATHER

### HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Miss McMORRIS. Mr. Speaker, I rise today to posthumously recognize Chief Warrant Officer Two Clint J. Prather for paying the ultimate sacrifice in service to his country. Prather died when the CH–47 Chinook helicopter he was riding crashed during a sandstorm. The accident took place near Ghazni, Afghanistan on April 6, 2005.

Prather, 32 years old, was stationed in Afghanistan since February as a part of Operation Enduring Freedom. Serving as a helicopter pilot, Prather was assigned to F Company, 5th Battalion, 159th Aviation Regiment, Giebelstadt, Germany.

Prather has served his country in the Army since 1992, joining just after graduating from Cheney High School. He previously had served as a medic before becoming a helicopter pilot. Prather leaves behind a wife and two children.

Mr. Speaker, I rise today to honor Clint J. Prather for his spirit and his sacrifice that led him to the danger of the Afghan battlefield. I invite my colleagues to join me in remembering and honoring Chief Warrant Officer Prather for his service to our country, the Iraqi people, and Afghanistan.

## HONORING THE CONTRIBUTIONS OF MELANIE HUCKABY, McQUEENEY ELEMENTARY TEACHER OF THE YEAR

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Melanie Huckaby, McQueeney Elementary School Teacher of the Year.

Ms. Huckaby is a graduate of Southwest Texas State University, from which she received her Bachelor of Science in Elementary Education. She has seventeen years of teaching experience, in several diverse environments.

After graduating college, Ms. Huckaby taught first grade for the Seguin ISD for a number of years, before moving to Los Angeles to pursue her teaching career further. She moved back to Seguin to take up the position of Library Media Specialist, which she holds today.

Melanie Huckaby is a believer in the power of reading to help transform the lives of her students. She loves to read aloud to the children, and enjoys answering students' questions and helping them to learn how to find information on their own.

Her passion for reading and learning serves as a wonderful example for her students. The people of Seguin are lucky to have a dedicated teacher and librarian like Melanie Huckaby looking after her students, and I am proud to have the chance to recognize her here today.

## RUBELLA ELIMINATION ANNOUNCEMENT

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. PRICE of North Carolina. Mr. Speaker, on March 21, 2005, the Centers for Disease Control and Prevention (CDC) announced that rubella, or German measles, ''is no longer a health threat in the United States.'' This great accomplishment is worthy of note, and indeed celebration.

Just 40 years ago, the United States had come out of what we now believe will be the last epidemic of rubella in this country. The 1964–1965 epidemic was estimated to have caused 12.5 million cases of rubella—including 20,000 cases of congenital rubella syndrome (CRS), where children were born with birth defects such as cataracts, heart defects, hearing impairment, and developmental delay. As a result, this epidemic was responsible for more than 2,000 fetal deaths.

Unless a safe and effective vaccine was developed quickly, the United States expected another outbreak within the decade. In 1969, Merck developed the first vaccine for rubella, and millions of doses were distributed through our Nation's strong vaccination programs. Fortunately, another epidemic never occurred, and by the end of 1979 only 12,000 cases of rubella were reported in the United States.

According to the CDC, since 2001, the annual numbers of rubella cases have been the lowest ever recorded in the United States: 23 in 2001, 18 in 2002, seven in 2003, and nine in 2004. Outside the United States, approximately 100,000 cases of CRS are reported each year. In our global society, diseases do not stop at the border. Therefore, we must remain vigilant, continue to invest in our vaccination system, and do our part to address the remaining international challenge.

Our ability to protect our Nation's health from certain infectious diseases depends on a vibrant and innovative vaccine industry. As we emerge from recent vaccine shortages and exits from the vaccine business, we are fortunate that Merck, for example, has chosen to build new vaccine production capacity in Durham, North Carolina. The continued dedication and commitment of our vaccine manufacturers are essential if we are to make once-feared diseases a thing of the past.

## RECOGNIZING SEAN DAVID HUNTLEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sean David Huntley of Platte City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Sean has been a part of Troop 351 for 5 years, and during that time period he has served in a variety of leadership positions. He has served his troop as Assistant Patrol Leader, Patrol Leader, Scribe, and Librarian. During that time period, he earned 43 merit badges and the God and Church Medal. In addition to the numerous leadership positions and merit badges, Sean is a Brotherhood Member in the Order of the Arrow, a Warrior in the Tribe of Mic-O-Say, and spent 5 years at the H. Roe Bartle Scout Reservation. Sean also participated in Junior Leader Basic Training, Snorkeling, and National Camping. Sean also has 46 service hours, 99 nights camping, and 78 miles hiking. He is truly an exemplary Scout.

For his Eagle Scout project, Sean reconstructed an outside prayer area for United Methodist Church in Platte City, Missouri. Sean redesigned the fire pit, mulched the area, and then rebuilt the outside cross structure. He also constructed a trail and steps as a path to the prayer area.

Mr. Speaker, I proudly ask you to join me in commending Sean David Huntley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING THE LIFE OF DETECTIVE SERGEANT JAMES ALLEN

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. LANGEVIN. Mr. Speaker, today I rise to honor the life of Detective Sergeant James Allen of Johnston, Rhode Island. After graduating from the police academy in 1978, Detective Sergeant Allen served on the force of the Providence Police Department for 27 years, until he was tragically murdered in his own police station while questioning a suspect on April 17, 2005.

Detective Sergeant Allen was first and foremost a family man, and he leaves behind his wife Marguerite and two teenage daughters, Jennifer and Caitlin. In addition to his work on the police force, he held down a part-time job to help pay for his daughters' tuition at private school. He was a fixture at St. Thomas Catholic Church in his Fruit Hill neighborhood, where he had regularly attended services since fourth grade. The Reverend Francis Kayatta said, ''He was absolutely devoted to God and to his Catholic faith. He was absolutely devoted to his wife and his family. And he was absolutely devoted to the community that he gave his life for.''

Detective Sergeant Allen followed his father Captain Lloyd Allen to the Providence Police Department. One of the longest-serving members of the force, James was a respected and well-liked member of the Department. Over the years, he had worked on some of the biggest cases in Rhode Island. In 1987, Allen evacuated several sleeping people from a burning tenement house. He received the Chiefs Award in 1989 for outstanding acts in the line of duty. In 2003, Detective Sergeant Allen played a key role in investigating a shooting at the Mount Hope Police Station, not far from his own office at the Providence Police Station. His affable demeanor, photographic memory, and attention to detail helped apprehend criminals and make Rhode Island a safer place to live.

In America, one law enforcement officer is killed every 53 hours, and Rhode Island is not immune to this tragic statistic. Detective Sergeant Allen is the ninth Rhode Island officer killed in the line of duty since 1952, and the fourth since 1994.

I would also like to take this opportunity to thank Michael Crugnale and his dispatcher for Yellow Cab. Their quick thinking helped apprehend the suspected murderer shortly after the shooting.

My thoughts and prayers are with the family, friends, and colleagues of Detective Sergeant Allen. Over the last quarter century, Detective Sergeant James Allen made a difference while protecting the people of Providence, and his absence will leave a large void in Rhode Island.

## HONORING THE CONTRIBUTIONS OF DELIA MOLINA, JUAN SEGUIN PRE-KINDERGARTEN TEACHER OF THE YEAR

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Delia Molina, Juan Seguin Pre-kindergarten Teacher of the Year.

Delia Molina received a Bachelor of Science and a Masters in Education from Southwest State University. She has taught in Austin, San Marcos, and Seguin Texas; along with her time spent teaching in Fort Knox Kentucky. Highly experienced in her field, Mrs. Molina has also served as Director of the Army Child Development Center in Germany.

She has over 21 years of teaching experience; her last eight years have been spent teaching at Seguin Independent School District. Mrs. Molina currently works with our district's youngest students, teaching bilingual pre-kindergarten to our kids. Over the years she has also served as a bilingual teacher supervisor, counselor, and curriculum specialist.

I am proud to have had the chance to recognize Juan Seguin Pre-kindergarten's Teacher of the Year, Delia Molina. Mrs. Molina has spent her life in the service of our kids, and her hard work has insured that our bilingual students receive the special attention that they deserve.

## THE FINAL REPORT OF THE COMMISSION ON THE INTELLIGENCE CAPABILITIES OF THE UNITED STATES REGARDING WEAPONS OF MASS DESTRUCTION

### HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. GREEN of Wisconsin. Mr. Speaker and colleagues, over the past several years I have had the privilege and challenge of serving on both the House International Relations Subcommittee on International Terrorism, Nonproliferation and Human Rights, and the House Judiciary Committee on Crime, Terrorism and Homeland Security.

As a member of these panels, I have closely watched the work of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction. That is why I was very pleased to see the commission, chaired by former Senator Robb and Judge Silberman, recently present its final report. As someone who works daily to try and formulate the best policies to augment American security both at home and abroad, I have found a number of the conclusions and recommendations contained in this sweeping report to be of great interest.

Those who have seen the news coverage of this report are aware that it serves as a broad analysis of the intelligence leading up to the war in Iraq. But those who have fully read the report know that it puts forth a helpful and needed blueprint for the continued reshaping of our intelligence community to meet the requirements of the 21st Century.

In particular, I'd like today to briefly discuss one of the most crucial areas of the commission's report, and one that has a substantial relationship to the work I've done on both of the committees I mentioned earlier—counterintelligence.

The commission report lays out, quite frankly, a rather bleak picture of U.S. counterintelligence over the past decade. To quote the report, ''. . . since the Cold War . . . while our enemies are executing what amounts to a global intelligence war against the United States, we have failed to meet the challenge. U.S. counterintelligence efforts have remained fractured, myopic, and only marginally effective.'' The report states that these circumstances have produced ''a cycle of defeat that cannot be indefinitely sustained.''

Thankfully, the report suggests a number of what I believe are good, solid recommendations for working our way out of this counterintelligence ''wilderness.'' Like the other changes that are already slated to take place throughout the intelligence community, these reforms will not be easy. But I agree with the commission members in their conclusion that systemic changes are required to prevent the kind of counterintelligence failures we've seen in the past—failures that I fear in the future could have even more devastating consequences.

The commission recommends that:

''The National Counterintelligence Executive (NCIX)—the statutory head of the U.S. counterintelligence community—become the DNI's Mission Manager for counterintelligence, providing strategic direction for the full breadth of counterintelligence activities across the government. In this role, the NCIX should also focus on increasing technical counterintelligence efforts across the Intelligence Community;''

''The CIA create a new capability dedicated to conducting a full range of counterintelligence activities outside the United States;''

''The Department of Defense's Counterintelligence Field Activity assume operational and investigative authority to coordinate and conduct counterintelligence activities throughout the Defense Department;'' and

''The FBI create a National Security Service that includes the Bureau's Counterintelligence Division, Counterterrorism Division, and the Directorate of Intelligence. A single Executive Assistant Director would lead the service subject to the coordination and budget authorities of the DNI.''

Each of these changes can play an important role in repairing and enhancing our current counterintelligence structure and capabilities. But I feel the first recommendation—related to empowered, centralized, strategic leadership in the counterintelligence community—is particularly important, and worthy of additional comment.

As the rest of the intelligence community as a whole begins to adjust to the new structure we've all read and heard so much about, it's important to note that some considerable progress has already been made in working to centralize leadership and stimulate change within the microcosm of the counterintelligence community.

Last month, President Bush approved the first National Counterintelligence Strategy of the United States—a document that sets forth a clear and unified direction for our nation's counterintelligence activities. This document further advances the importance of undertaking counterintelligence as a strategic venture—a venture that ought to be incorporated into our overall national security policy just as is any other substantial instrument of national power.

In the context of this discussion of strategic counterintelligence, I am especially encouraged to see a new commitment by senior U.S. policymakers to shift our counterintelligence efforts away from the ''defensive'' activities of the past to a more robust, ''offensive'' endeavor as we look toward the future. From our many successes in the War on Terrorism, we have learned that an offensive approach—taking the battle to our enemies before they can bring it to us—is essential to success. Each of the commission's recommendations serve the achievement of that goal.

Mr. Speaker, it's my hope that the report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction will not only assist in reshaping our future overall intelligence structure, but will also further enable the realization of many reforms that are already underway in our counterintelligence community. I look forward to working with President Bush and my colleagues in this body to fully consider these changes and help make them a reality.

## RECOGNIZING MATTHEW KUEHL FOR ACHIEVING THE RANK OF EAGLE SCOUT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Kuehl of Platte City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Matt has been very active with his troop, participating in many Scout activities. During the 4 years Matt has been involved with Scouting, he has worked his way through the ranks and earned 30 merit badges. Matt has held a variety of leadership positions within his troop, serving as Librarian, Quartermaster, and Scribe. Matt is also a Brotherhood Member in the Order of the Arrow, a Warrior in the Tribe of Mic-O-Say, and attended H. Roe Bartle Scout Reservation for four years. Matt participated in Junior Leader Basic training and World Conservation, has 101 service hours, spent 53 nights camping, and 26 miles hiking. He is truly an exemplary Scout.

For his Eagle Scout project, Matt purchased and planted three trees at the Platte County Fairgrounds in Platte City, Missouri, mulched and tied the trees for wind resistance, and watered the trees for 4 months to ensure proper growth.

Mr. Speaker, I proudly ask you to join me in commending Matthew Kuehl for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING THE LATE FRED TOYOSABURO KOREMATSU

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Ms. MATSUI. Mr. Speaker, today I rise to honor the late Fred Toyosaburo Korematsu, a man who through quiet determination and an unwavering belief in justice became one of the icons of the American Civil Rights movement of the 20th Century. As we reflect on Mr. Korematsu's remarkable life and his wonderful legacy, I ask all of my colleagues to join me in saluting this true American hero.

The son of Japanese immigrants, Fred Toyosaburo Korematsu was born in Oakland, California on January 30th, 1919. After graduating from high school, Fred went to work as a welder, a job that Fred would keep until war broke out between the United States and Japan. In February of 1942, 120,000 residents of Japanese ancestry, including American citizens, were ordered out of their homes and into camps following Japan's attack on Pearl Harbor. Fred, at the age of 22, watched as his parents vacated their home, but he decided to defy the order and remain behind because he felt it was wrong for innocent and loyal citizens to be rounded up at once.

In May of 1942, Fred was stopped by police and charged with violating the military's exclusion order. Fred was ultimately turned over to the FBI, and convicted and jailed for failure to report for evacuation. During his imprisonment, Fred was visited by Ernest Besig, the Executive Director of the American Civil Liberties Union of Northern California at the time. Mr. Besig, who was seeking for cases to test the constitutionality of the internment, posted $5,000 in bail to free Fred, but the military police would not oblige. Fred was eventually transferred to a camp in Topaz, Utah, where he was generally ostracized by his fellow inmates for having attempted to dodge internment.

Fred's case against the government's internment of Japanese Americans was ultimately heard and struck down by the Supreme Court. Justice Frank Murphy, one of three dissenting Justices, called the internment order ''legalization of racism.'' Fred tried his best to lead a normal life as he worked as a welder in Salt Lake City toward the end of the war.

At the end of the internment in 1944, Fred returned to the San Francisco Bay Area, where he and his wife, Kathryn, raised a daughter, Karen, and a son, Ken. Fred had a long career as a draftsman, but he could not get a job at a larger firm or government agency because of his prior felony conviction.

Legal historian and author Peter H. Irons discovered the government had lied to the high court while researching a book on wartime internment in the early 1980s. This discovery caught the attention of civil rights attorney Dale Minami. Mr. Minami, along with a team of dedicated attorneys, petitioned the U.S. Circuit Court in San Francisco to correct the error that was made before the court, which was that government prosecutors suppressed, altered and destroyed material evidence during its prosecution of the original case. After an arduous 2½-year process, the 9th U.S. Circuit Court of Appeals vacated Fred's original and wrongful conviction on November 10, 1983.

In January of 1998, Fred Korematsu was awarded a Presidential Medal of Freedom, the nation's highest civilian honor, by President Bill Clinton. During the presentation, President Clinton said that the name Korematsu can be rightfully added to the list of Plessy, Brown, and Ferguson as the greatest civil rights pioneers in our Nation's history.

Mr. Speaker, I am honored to pay tribute to Fred Korematsu. Fred Korematsu is the epitome of a true patriot; someone who is not afraid to stand up for what is right and just. Although he is no longer with us, his legacy will continue to live on for generations to come. I ask all of my colleagues to join me in thanking Fred Korematsu for his steadfast commitment to civil rights and justice.

## HONORING THE CONTRIBUTIONS OF WANDA KOLLAUS, KOENNECKE ELEMENTARY SCHOOL TEACHER OF THE YEAR

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Ms. Wanda Kollaus, Elementary School Teacher of the Year.

Ms. Kollaus has seventeen years of teaching experience. Twelve years of her career were spent with the Seguin Independent School District. She is a proud graduate of Seguin High School, and now gives back to the district that has given her so much.

Ms. Kollaus has a Bachelor's degree in Elementary Education from Southwest Texas State University, with a specialization in Science. She wants her students to ''get into science,'' and works on a daily basis to develop their skills and enthusiasm.

She believes strongly that learning ought to continue outside the classroom, as well. She especially enjoys involving her students in the Seguin Outdoor Learning Center, and providing hands-on learning opportunities through the Environmental Science Academies. In addition, she often stays after school to work with students on special projects, to ensure that they each reach their potential and leave school with a highly developed love for and understanding of science.

Ms. Kollaus is one of our state's most enthusiastic educators, and her efforts are a credit to Seguin and to our state. I am proud to have the opportunity to recognize her here today.

## TRIBUTE TO LISA ZAGAROLI

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to Lisa Zagaroli, a correspondent with the Detroit News Washington bureau, for winning the Sigma Delta Chi Award from the Society of Professional Journalists for excellence in journalism. Ms. Zagaroli is being recognized for her work on ''Military Menace: Deadly Vehicles,'' a series of stories on the hazards of military vehicles.

Ms. Zagaroli's work exposing insufficient training and safety for Army drivers is another fine example of her investigative journalism talents. Her stories in this series uncovered shortcomings in the Army that might have otherwise gone unnoticed in the public, and her efforts deserve recognition.

Ms. Zagaroli has been recognized for her excellent work before; this is Lisa's second award from the Society of Professional Journalists. Last year, she was recognized for a series of stories, ''Unsafe Saviors,'' co-written with April Taylor, revealing poor ambulance design and regulation.

Ms. Zagaroli, originally from Michigan and known to be a dedicated Spartan fan, has been with the Detroit News for ten years and has covered the Michigan Congressional Delegation extensively. The daughter of first generation Italian immigrants, Lisa frequently travels to Rome and is currently on assignment covering the election of the new pope. She is a talented journalist and deserves this honor.

Mr. Speaker, I ask that all of my colleagues join me in commending Lisa Zagaroli for her superb series ''Military Menace: Deadly Vehicles'' and recognizing her for the award she is to receive.

## INTEREST FREE FUNDS FOR PUBLIC SCHOOL CONSTRUCTION

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. RANGEL. Mr. Speaker, today I am introducing legislation that would provide $25.2 billion in interest-free funds over the next two years for public school construction and modernization projects.

Currently, our public school system has extraordinary unmet needs for funds to construct and modernize schools. Consider the following facts:

(1) The average age of a public school in the United States is 42 years.

(2) One-third of all public schools in the United States are in need of extensive repair or replacement.

(3) Three and a half million students attend schools that need major repair or replacement.

(4) According to a recent report from the National Education Association, it will cost $332 billion to bring the existing public schools into overall good condition. Billions more will be required to construct new schools to meet expanding student enrollments.

President Bush's education program places strong emphasis on raising standards in America's classrooms, but does not provide promised Federal help for the cost of additional testing and services required to reach that goal. His program also ignores the fact that school facilities are an important part of raising student performance. Inferior facilities make teaching more difficult. They also send a clear message to the students that this nation does not value their education. The President's program seems to be designed to fail.

My legislation will provide funds for school modernization projects through a federal tax credit. The tax credit will, in effect, pay the interest on $25.2 billion of school modernization bonds. All decisions relating to how those funds would be used would continue to be made at the local level.

My legislation is based on a successful model, the Qualified Academy Bond (QZAB) program enacted in 1997. A California local school official described that program as a ''local school district's dream'' after having successfully participated in a bond offering subsidized under that program. U.S. Education Secretary Rodney Page endorsed a similar proposal in 1999 when he was Superintendent of the Houston schools. In a statement submitted to the Committee on Ways and Means, he said that school modernization bonds ''represent the approach to Federal aid that will have a truly consequential impact on meeting the infrastructure needs of Houston and other large urban high poverty districts.''

Mr. Speaker, America's future can only prosper with the proper education of our children, and our children cannot receive such education with our public schools in a dilapidated state. Modernizing our schools is an investment in our future, and should be a main, bipartisan priority in the 109th Congress.

Attached is a brief description of the bill and a table showing how the funds will be allocated among the States.

SUMMARY

The bill would subsidize $25.2 billion in zero-interest school modernization bonds. The federal government would provide tax credits for the interest normally paid on a bond. Funds that would have gone to pay bond interest would be freed for other education needs. For each $1000 of school bonds, the net benefit of the program to State or local school districts would be approximately $500.

Funding: The bill divides the interest-free funds for public school construction and modernization as follows:

(1) $22 billion over two years for zero-interest school modernization bonds ($11 billion in both 2006 and 2007). The bill would allocate 60 percent of the $22 billion in bonds to states based on school-age population. The State education agency has the authority to allocate the State's share among the school districts in the State with no restrictions as to what schools can qualify. The remaining 40 percent of these bonds would be directly allocated to the 125 school districts with the largest number of low-income students based on ESEA Title I funding (poverty-based distribution).

(2) $400 million in school modernization bonds for Bureau of Indian Affairs (BIA) schools.

(3) $2.8 billion for expansion of the existing Qualified Zone Academy Bond program (QZAB). This amount is allocated among the States based upon the number of poor students. The State education agency has the authority to allocate the State's share among the school districts in the State; except that amount may be allocated only to schools with at least 35% poor students—those schools located in Empowerment Zones, Enterprise Communities or which have at least 35 percent of their students eligible for free or reduced price school lunch.

Federal Role: The federal government would provide a tax credit to the bond purchaser equal to the interest that would otherwise be paid on a school construction bond. No new federal bureaucracy would be created.

Cost: The five-year cost to the Federal government is approximately $1.7 billion and the ten-year cost is approximately $6.8 billion.

The following table shows the estimated allocations under the bill.

ESTIMATED STATE BOND ALLOCATIONS

| | |
|---|---|
| Alabama | $354,922 |
| Alaska | 53,398 |
| Arizona | 337,448 |
| Arkansas | 183,516 |
| California | 3,109,598 |
| Colorado | 296,358 |
| Connecticut | 292,085 |
| Delaware | 49,070 |
| District of Columbia | 88,904 |
| Florida | 1,188,467 |
| Georgia | 654,051 |
| Hawaii | 77,438 |
| Idaho | 93,409 |
| Illinois | 1,221,868 |
| Indiana | 459,436 |
| Iowa | 196,453 |
| Kansas | 196,866 |
| Kentucky | 295,249 |
| Louisiana | 473,051 |
| Maine | 84,355 |
| Maryland | 395,270 |
| Massachusetts | 467,254 |
| Michigan | 1,006,867 |
| Minnesota | 378,952 |
| Mississippi | 237,537 |
| Missouri | 452,673 |
| Montana | 65,077 |
| Nebraska | 131,275 |
| Nevada | 92,951 |
| New Hampshire | 80,802. |
| New Jersey | 660,175 |
| New Mexico | 157,627 |
| New York | 2,476,435 |
| North Carolina | 488,119 |
| North Dakota | 46,596 |
| Ohio | 1,019,626 |
| Oklahoma | 277,839 |
| Oregon | 235,626 |
| Pennsylvania | 1,044,126 |
| Puerto Rico | 378,751 |
| Rhode Island | 90,648 |
| South Carolina | 284,932 |
| South Dakota | 56,180 |
| Tennessee | 421,577 |
| Texas | 1,998,390 |
| Utah | 175,947 |
| Vermont | 42,022 |
| Virginia | 422,902 |
| Washington | 402,308 |
| West Virginia | 123,951 |
| Wisconsin | 491,648 |
| Wyoming | 38,712 |
| Outlying Areas | 51,263 |
| BIA Schools | 400,000 |
| Total | 25,200,000 |

## RECOGNIZING GINGER LANGEMEIER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ginger Langemeier, a longtime member of my staff who will be leaving my office to work for my distinguished colleague from Nebraska, the Honorable JEFF FORTENBERRY who represents Ginger's home district. I must confess that my distinguished colleague Mr. Fortenberry was not the first Nebraskan that I had to compete with over Ginger, as she's always been a big fan of the distinguished gentleman from Nebraska's Third District, the Honorable TOM OSBORNE.

Ginger began her political career as an intern on my 1998 Missouri State Senate campaign, and leaves my office after rising through the ranks to become my Deputy Chief of Staff. In between she has served in a variety of different positions, and as always, I am grateful for her commitment and service.

My 1998 state Senate campaign was quite an introduction to politics for Ginger. I did not have a large staff, but I did have a large Senate district, and Ginger was instrumental in helping me reach out to all of the voters across a vast geographic area. She also served as my Finance Director, and ever since she has been charged with maintaining our office finances.

I also must thank her for her service to my brother Todd. In 2000, Todd ran for state treasurer, and Ginger volunteered for him in her spare time. During the rest of her time, she was busy working at my office in the Missouri State Senate.

Later on in 2000, Ginger became the very first employee of Graves for Congress after I filed for election to this seat. In addition to her recurring role as Finance Director, she handled all of my scheduling, and brought to this race the same goal oriented attitude that led me to hire her in the first place.

Thanks to her hard work, I was elected to this House in November of 2000, and in January of 2001 when I became a Member of the 107th Congress, Ginger joined my official staff as a legislative assistant. Over the years Ginger has handled just about every issue in my office, and is known particularly for her expertise on agriculture, appropriations, the Missouri River, and crime. At the start of the 108th Congress, I promoted her to the position of Senior Policy Advisor, and in 2004 she returned to Missouri to become my Deputy Chief of Staff.

Mr. Speaker, I proudly ask you to join me in commending Ginger Langemeier for her dedication to myself and my constituents. While I am sorry to see her go, I know she will be a tremendous asset to my distinguished colleague Mr. FORTENBERRY and the citizens of Nebraska's First District.

## IN HONOR OF PETER PUCHER, ''LATIN MAN OF THE YEAR''

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mr. Peter Pucher, who has been recently honored as the ''Latin Man of the Year, by the Cathedral Latin High School Alumni Association.

A life-long Clevelander, Mr. Pucher graduated from Cathedral Latin High School in 1955. His diligence reflected in his studies and athletic performance. Mr. Pucher's time as quarterback of the '53 and '54 Cathedral Latin football team is still considered as the finest in the history of the school. After receiving his Bachelor's degree in education from John Carroll University, Mr. Pucher embarked on a lifelong journey that continues to focus on family, community and helping others in need.

Mr. Pucher taught at his alma mater for three years, then taught for two years at St. John Cantius High School. During his six-year tenure as teacher at Holy Name High School, he also served as the school's athletic director and head football coach. Throughout his profession, he guided his students and his players with heart, concern and unwavering dedication. The players and the team flourished under his leadership, and his commitment did not go unnoticed. In 1970, Mr. Pucher was named the West Senate Coach of the Year. Mr. Pucher's dedication to guiding our youth parallels his strong sense of giving back to the community. Though awards and accolades do not impress him, Mr. Pucher's outstanding volunteer work has not gone unnoticed. In 1991, he was honored with the Greater Cleveland Football Coaches Association Golden Deeds Award. In 1994, Mr. Pucher was honored as the Greater Cleveland United Way Volunteer of the Year Award. To this day, Mr. Pucher and his mother-in-law, who is 93 years young, distribute donated food to a local food pantry.

Mr. Speaker, please join me in honor and recognition of my dear friend and mentor, Mr. Peter Pucher. His dedicated service as teacher, coach and activist, focused on our youth and those in great need, has brought hope and possibility to many within our community. His kindness and concern has made a monumental difference in the hearts and lives of countless students, colleagues and family members, and his work continues to strengthen our community and alight our humanity.

## RECOGNIZING THE 100TH ANNIVERSARY OF THE FLORIDA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the 100th Anniversary of the Florida Institute of Certified Public Accountants.

There is little doubt that, without certified public accountants, the area of financial reporting would be a quagmire. Financial statements would be meaningless as everyone would strive to show favorable results without worrying much about honesty or accuracy. For these reasons, I am grateful that the Florida Institute of Certified Public Accountants has worked diligently over the past 100 years to work with CPAs throughout my state and ensure that the profession of public accounting remains safe and stable for 100 years more.

The FICPA has been instrumental in bringing the first accountancy law to my home state of Florida 100 years ago, and since then has worked diligently to bring the highest sense of professionalism to all areas of accounting. The Institute has also been a key supporter of legislation to require an ethics course for all Certified Public Accountants in addition to working closely with universities to provide aspiring CPAs the skills and education they will need to succeed, even going so far as to establish a foundation. Thanks to the FICPA, CPAs in the state of Florida also are required by law to take continuing education courses, further ensuring that citizens receive high-quality accounting services from well educated professionals.

The FICPA has not only focused on helping qualified accountants, but has also worked hard to prevent unqualified accountants from providing low-quality, unethical services to the citizens of Florida through an unlicensed accounting awareness campaign. Steps such as this have helped guarantee that CPAs in Florida will provide the quality service that the public deserves, and that Floridians can rest

assured that their financial reporting will be of the caliber they are entitled to.

With the continued help of their Chief Executive Officer Buddy Turman, I am confident that the FICP A will continue to build upon its legacy from the last 100 years and allow the profession of accounting to maintain its prominent role in our society. Mr. Speaker, on behalf of the United States Congress, I am proud to recognize the 100th Anniversary of the Florida Institute of Certified Public Accountants.

## REGARDING: TEJANO SINGER LAURA CANALES

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. ORTIZ. Mr. Speaker, I join my fellow Texans—and many around the Southwest and the nation in paying special tribute to Laura Canales, a very special artistic pioneer, and a talented South Texan, who accomplished great things throughout her lifetime of performing.

Before there was the phenomenon of Tejano giant Selena, there was Laura Canales, who paved the way for a number of Tejano artists in the late 20th Century. She contributed much to our culture and to the music industry, and became known as the ''Barbara Streisand of Tejano music'' and as ''Reina de la Onda Tejana,'' (queen of the Tejano wave).

Tejano is a popular type of music in Texas and the Southwest that has become a huge industry with its own category in the Grammy Awards. Tejano is a combination of rock-n-roll and German Conjunto music. Some of the cultural influences on Tejano music include: Anglo, African, German, and Italian.

Tejano was originally dominated by male performers and it was nearly impossible for women to break through in this genre. Laura Canales, with her unique voice and love of performing, became the first woman to enjoy real success in the world of Tejano, and was honored as the first woman to be inducted into the Tejano ROOTS Hall of Fame in Alice, Texas. This museum is the only one that is entirely dedicated in honoring great Tejano music figures.

Laura's influence on Tejano music became readily apparent during the 1970's and 1980's. With her distinctive voice and popularity, she released various albums that became hits, including her debut album, Si Vivi Contigo. Her numerous accomplishments include a dozen Tejano music awards, including Female Vocalist of the Year, Female Artist of the Year, and Female Entertainer of the Year. This Kingsville, Texas, native also understood the value of education, earning a bachelor's degree in clinical psychology from Texas A&M University and pursuing a master's degree.

Laura Canales proved that a woman could be successful in the Tejano music industry . . . she broke the gender barriers that existed at the dawn of the emergence of popular Tejano . . . and she and paved the way for future, female Tejano performers.

This Tejano legend and daughter of South Texas will truly be missed, although she will live on in her music, to be enjoyed by many future connoisseurs of Tejano. I ask my colleagues to join me in keeping her family—and her many fans—in our thoughts and prayers at this difficult time.

## IN HONOR OF THE CITY OF HOBOKEN, NEW JERSEY

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the city of Hoboken, New Jersey, on its sesquicentennial celebration. The people of Hoboken will be commemorating this event with a series of activities throughout the spring and summer. Last weekend, the community held its 150th Anniversary Parade on April 16, 2005.

Located on the shore of the Hudson River, Hoboken is known for its lively atmosphere and rich history. The area was developed almost single-handedly by Colonel John Stevens, who bought the land for $90,000 in 1784. On March 28, 1855, it was incorporated as a city. The late nineteenth century brought a sharp increase in immigration due to Hoboken's proximity to Ellis Island and, by 1890, over 40 percent of the population was foreign-born. Hoboken developed and grew as a manufacturing hub with shipbuilding as the primary industry. The 20th century also brought the development of public transportation and the railroads, ferries, and Port Authority Trans-Hudson, PATH, Tube that transformed Hoboken into a bustling transportation center. The city piers soon became a focal point for trans-Atlantic commerce. More than three million Americans passed through Hoboken on their way to or from World War I. In the past few decades the shipyards have closed as Hoboken has transformed from an industrial area into an affluent neighborhood full of young professionals and known for its variety of restaurants and vibrant nightlife.

The birthplace of Frank Sinatra, Hoboken also claims such famous citizens as photographer Dorothea Lange and painter Willem de Kooning. Additionally, it boasts many notable firsts, including the first ice cream cone, the first steamboat, the first locomotive, and the first brewery. Many also believe that the first organized baseball game was played on Hoboken's Elysian Fields in 1846.

In order to commemorate its momentous sesquicentennial birthday, Hoboken has planned a wide variety of celebrations that will serve to honor the progress and development of the past 150 years. Some of these activities include the creation of a time capsule, the painting of a historical mural, an anniversary gala and fundraiser, an evening concert series, and a spaghetti dinner block party. Hoboken will also host a vintage baseball festival and an arts and music festival.

Today, I ask my colleagues to join me in honoring the city of Hoboken on its 150th anniversary. This momentous occasion allows us to reflect on the city's colorful past and look towards its promising future with hope and enthusiasm. I am proud to be a resident of this community, and I congratulate the people of Hoboken on making this city a wonderful place to call home.

## EQUAL PAY DAY

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in recognition of working women across America and in support of the Paycheck Fairness Act.

Every April, supporters of equal pay mark our progress on this issue by noting the time of year in which women's wages ''catch up'' to the wages paid to men from the previous year. Although we have made great strides in women's equality, women still earn $.76 for each dollar that men earn. In my home state of Minnesota, that number is $.72. In real terms, this means that women and their families are being shortchanged thousands of dollars a year.

Minnesota women have the highest labor force participation in the nation and educational attainment continues to grow. With this remarkable increase in women's participation in the economy, more and more families are reliant on women's paychecks to make ends meet. If we are serious about ensuring fairness for all, about leaving no child behind, and about helping families achieve financial stability now and in the future, then Congress must act to address this significant wage gap.

For this reason, I am proud to be a cosponsor of the Paycheck Fairness Act. This bill will take concrete steps to eliminate gender-based wage discrimination. It will provide for enhanced outreach and training programs for employers, allow employees to share salary information, and give women the opportunity to sue for punitive damages under the Equal Pay Act. It is my hope that the Administration and the Republican leadership will make a serious effort to address this discrimination this Congress.

Along with wage disparity, we must continue to focus on issues of work place safety, equal treatment, and career advancement. As a woman, a mother, and a Member of Congress, I will continue to fight for equal pay, quality health care, safe work environments, and education opportunities for girls and women to ensure that they can pursue the American dream.

## RECOGNIZING EDWARD A. MITCHELL

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. KILDEE. Mr. Speaker, I am pleased to rise before you today to honor Edward A. Mitchell, of Flint, Michigan, my hometown. On Wednesday, April 20, the Food Bank of Eastern Michigan will honor Mr. Mitchell's selfless contributions and dedication to improving the quality of life for thousands of residents of Genesee County.

A native of Flint, Edward Mitchell graduated from Central High School in 1947, and later studied at Flint Junior College. At the age of 18, Ed began what became a 50-year career with the Flint Journal, starting out as an Ad Services employee. A year later, he became

an Outside Sales Representative, and in 1958, he was promoted to Assistant Classified Advertising Manager. On April 9, 1984, Ed became Advertising Director for the Journal, and ultimately became Assistant to the Publisher, a position he held until his retirement.

In addition to his tenure at the Flint Journal, Ed became a tireless advocate for civic pride and responsibility. He has been a vital part of more than 26 community organizations, including Big Brothers/Big Sisters and the United Way of Genesee County, among many others. He served on the Boards of such groups as Goodwill Industries and the Lions Club, and as Chair of four organizations including the Center City Club and the Food Bank of Eastern Michigan.

A member of the Food Bank's Board of Directors since 1991 and its Executive Committee since 1995, Ed has also acted as Nominating Chair from 1995–1997, and served on the Food Bank's Presidential Search Committee in 1994. Ed was elected Board Chairman in 1998, the position he holds to this day. During his time on the Board, the Food Bank has grown from distributing 2.6 million pounds of food in 1991 to 15.2 million pounds in 2004, providing emergency food services to more than 110,000 Genesee County residents, half of who are under the age of 17 or over the age of 65. Under Ed's leadership, the Food Bank has received several awards, and has been a national model for similar programs. In 2002, America's Second Harvest recognized the Food Bank of Eastern Michigan as the nation's best.

Mr. Speaker, it is with a tremendous amount of gratitude that I appear before you today to recognize my colleague, my constituent, and my friend, Edward Mitchell. For over 45 years, he has diligently worked to promote, protect, defend, and enhance human dignity, and he exemplifies the very best of what our society has to offer. I would also like to recognize Ed's wife Valia, their three daughters, and their seven grandchildren, and I ask my colleagues in the 109th Congress to join me in wishing them all the best of luck in all their future endeavors.

## PERSONAL EXPLANATION

### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of April 19, I missed three Rollcall votes. I respectfully request the opportunity to record my position on Rollcall votes. It was my intention to vote "yes" on Rollcall No. 109 H.R. 683, Trademark Dilution Revision Act of 2005. "Yes" on Rollcall No. 110 H.J. Res. 19, providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution. "Yes" on Rollcall No. 111 H.J. Res. 20, providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution

At this time I would ask for unanimous consent that my positions be entered into the RECORD following those votes or in the appropriate portion of the RECORD.

## STATEMENT IN HONOR OF MARLA RUZICKA

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Marla Ruzicka who was tragically killed on Saturday in Iraq at the age of 28. Marla's courageous work on behalf of civilian victims of war demonstrated the compassion of the American people and extended a hand in friendship to the people of Iraq and Afghanistan. Marla gave so much of herself in her short life; it grieves us to think how much more she had to give. She devoted her life to making the lives lost count. Marla's death is a loss to the world.

Ms. Ruzicka was born in Lakeport, Calif. and came to San Francisco at the age of 17 to start her career at Global Exchange. During her time with Global Exchange, she worked with African AIDS victims, Palestinian refugees, and Nicaraguan campesinos. When her work took her to Afghanistan during the war to remove the Taliban, she came face to face with the human costs of the conflict and dedicated the remainder of her life to aiding the civilian victims of war.

Two years ago, Ms. Ruzicka founded the Campaign for Innocent Victims in Conflict. With little staff and scarce funding, she successfully lobbied Congress for $2.5 million to help Afghan war victims. The fund has since grown to $7.5 million, and she has secured $10 million for Iraqi victims.

Ms. Ruzicka worked not just in Washington, but on the literal frontlines of the conflicts. In Iraq, she was the leader of more than 150 volunteers who went door-to-door to compile a list of civilian casualties to determine the civilian cost of the war. She was a fierce advocate for the victims' families, serving as the point of contact between affected Iraqi civilians and the U.S.-led forces. Ms. Ruzicka helped direct aid where it was most needed, and she helped many Iraqi families begin to pick up the pieces of their shattered lives.

On April 16, Ms. Ruzicka was on her way to visit another Iraqi family devastated by the conflict when a suicide bomber attacked a nearby U.S. convoy. She died in the blast.

Mr. Speaker, Marla Ruzicka reminded us of the immense scale of human suffering that war brings. She gave her time, her energy, and ultimately her life to help ease the suffering of its victims. She is an inspiration to people around the world.

I hope that it is a comfort to her parents, Clifford and Nancy, her brothers and sisters, and all her family and friends, that so many people share their loss and are praying for them at this sad time.

## IN HONOR OF LINDA SMITH

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Linda Smith for her years of dedicated service and outstanding commitment to the labor movement. Mrs. Smith received the Labor Person of the Year Award, sponsored by the AFL–CIO, at the annual Labor Awards Breakfast on Sunday, April 17, 2005.

For 25 years, Mrs. Smith has been a member of the Communication Workers of America (CWA) Local Union 1082. During that time, she has demonstrated strong leadership skills as president of the Local 1082 for the past eight years and as an elected member of the executive board for ten years. Mrs. Smith is known by her fellow Local 1082 members for her willingness to volunteer her time and help in whatever capacity necessary to support the union, and her perseverance and self-sacrifice cannot be measured.

When she is not involved with the Local 1082, she is serving as vice-president of the Middlesex County AFL–CIO Labor Council and as a labor representative to the Middlesex County Workforce Investment Board. Additionally, she is a committee person for the Franklin Township Democratic Organization.

Apart from her involvement with labor and community groups, Mrs. Smith has worked for 25 years at the Middlesex County Board of Social Services. A graduate of Somerset County Vocational & Technical High School, she has also studied at the George Meany Center for Labor Studies and Rutgers University. She is the mother of three sons and lives in Somerset.

Today, I ask my colleagues to join me in honoring Linda Smith for her active participation in the CWA and her exemplary service to her fellow union members throughout the years.

## INTORDUCTION OF THE SOCIAL SECURITY NUMBER PRIVACY AND IDENTITY THEFT PREVENTION ACT OF 2005

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. SHAW. Mr. Speaker, the use of Social Security numbers is rampant. When Social Security numbers were created in 1936, their only purpose was to track a worker's earnings so that Social Security benefits could be calculated. But today, we literally have a culture of dependence on Social Security numbers.

Businesses and governments use the number as the primary way of identifying individuals. All of us know how difficult it is to conduct even the most mundane transactions without having to provide our Social Security number first. It's no wonder identity theft has become the fastest growing white collar crime.

Worse yet, terrorists, including those responsible for the September 11th attacks, misuse SSNs in order to assimilate into our society.

Barely a day goes by without hearing more examples of the truly devastating effects of identity theft. During a hearing of the Ways and Means Subcommittee on Social Security hearing, we learned about a widow whose husband died in the September 11th attacks on the World Trade Center—an illegal immigrant used her deceased husband's Social Security number to get a driver's license and to work. We also heard about individuals whose credit was ruined, who were arrested for crimes they did not commit, and who spent

years and hundreds or even thousands of dollars out of their own pockets trying to clear their names because of identity theft often facilitated by obtaining the individual's Social Security number.

Concerns about identity theft are increasing dramatically. According to the Federal Trade Commission, identity theft is the number one consumer complaint—amounting to 39 percent of complaints received in 2004. In fact, my state, Florida, is sixth in the nation in the number of identity theft victims per 100,000 people.

Clearly, there is need for a comprehensive law to better protect the privacy of Social Security numbers and protect the American public from being victimized. Today, I re-introduce the ''Social Security Number Privacy and Identity Theft Prevention Act of 2005,'' which is similar to bipartisan legislation introduced during the last Congress. In the public and private sector, the bill would restrict the sale and public display of Social Security numbers, limit dissemination of Social Security numbers by credit reporting agencies, make it more difficult for businesses to deny services if a customer refuses to provide his or her Social Security number and establish civil and criminal penalties for violations.

Congress must act to protect the very number it requires each of us to obtain and use throughout our lifetime. Providing for uses of Social Security numbers that benefit the public while protecting these numbers from being used by criminals, or even terrorists, is a complex balancing act. This bill achieves that balance by ensuring Social Security numbers are exchanged only when necessary and protected from indiscriminant disclosure. I urge Members to co-sponsor this important legislation.

## HONORING MATT KIEHL ON ACHIEVING THE RANK OF EAGLE SCOUT

### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. CANTOR. Mr. Speaker, I rise today to honor Matt Kiehl, a constituent who at the age of 17 has been awarded the rank of Eagle Scout. Matt has been involved in scouting since the age of seven when he started as a Tiger Cub. For the last 10 years, he has worked toward this goal which culminated in his Eagle Scout project to construct a prayer path at the Shalom House in Montpelier, Virginia. He, along with about 25 volunteers, completed the project this past December 18.

Matt is an exceptional student at the Maggie Walker Governor's School. Next year, he will join the ''We the People'' Team. This nationwide competition is based on students' knowledge and understanding of the Constitution. He also finished second in the National Catholic Forensic League state competition this year and will compete at the national competition.

Mr. Speaker, I join the Kiehl family—his father, Mark; mother, Leslie; and his sisters Jennifer and Stephanie—in honoring and recognizing the remarkable achievements of Matt. I am confident we will hear great things from him in the future.

## RECOGNIZING ANDRE SMITH

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. KILDEE. Mr. Speaker, I stand before you today to recognize the accomplishments of a man who has made a strong commitment to protect and defend human dignity. On Saturday, May 7, the members of Oman Temple No. 72, of the Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, will gather at their 50th Annual Potentate's Ball, where they will honor their Illustrious Potentate, Andre Smith.

Andre Smith was born in my hometown of Flint, Michigan, on August 8, 1965, the youngest and only son of Elworth and Vivian Smith. He attended Flint Public Schools, and graduated from Northwestern High School in 1983. He later enlisted in the United States Army, where he proudly served for 8½ years, attaining the rank of Sergeant E–5. He received an Honorable Discharge in 1992.

In addition to his tenure as Illustrious Potentate of Oman Temple 72, Mr. Smith is also a member and Senior Warden of John W. Stevenson Lodge No. 56, Saginaw Valley Consistory No. 71, and the Flint Roller Skating Association. As a member of these organizations, he has consistently been at the forefront of campaigns and projects designed to improve and beautify the city. In addition, Mr. Smith successfully balances his time as a community leader with his employment as an Administrative Security Tech at the Great Lakes Tech Center, and as a member of Grace Emmanuel Baptist Church.

Mr. Speaker, I am appreciative of Andre Smith's contributions to the Flint community. His civic awareness has made our city a better place in which to live. I ask my colleagues in the 109th Congress to please join me in congratulating him for his dedication and perseverance.

## REGARDING THE DEATH OF PROVIDENCE POLICE DETECTIVE JAMES L. ALLEN

### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. KENNEDY of Rhode Island. Mr. Speaker, today, I would like to express my deepest sympathy and condolences to Mayor Cicilline, Chief Esserman, the entire Providence Police Department, the friends and the family of Detective James L. Allen, a 27-year veteran of the police force in Providence, Rhode Island who was tragically killed early Sunday morning inside his own police station. I want to honor this heroic man by sharing his story with fellow Members of Congress and the nation.

Detective Allen embodied the great courage and dedication of those who risk their lives in order to protect others. His was known by his colleagues as being exceptionally talented in remembering names, faces and dates—so much so that they endearingly referred to him as ''Rainman'' in the department. He was also known as an extremely hard worker who never sought the limelight for himself, despite the fact that he handled high-profile cases and acted heroically on many occasions during his over two decade-long performance of duty. In 1987, Detective Allen ran through a burning tenement house and evacuated several people who were sleeping inside. In 1989, he received a ''Chiefs Award'' for an outstanding act in the performance of duty. On this past Saturday night, he was once again going above and beyond the call of duty by returning to the police station after enjoying dinner with his family in order to ''pull out all the stops'' in the investigation of a vicious crime which had occurred earlier in the day.

He was clearly very proud of following in the footsteps of his father, retired Providence Police Captain Lloyd Allen. Out of a force of 500 officers, Detective Allen was one of the 20 longest-serving. Sadly, he is the third Providence police officer killed on the job since 1994. Incidents such as this one remind us of the daily sacrifice and risk endured by members of our law enforcement communities, who deserve the utmost appreciation from all of us. Detective Allen leaves his wife, Marguerite, and two daughters, Jennifer, 15 and Caitlin, 14, behind. Although his life ended abruptly in great tragedy, his legacy of selflessness, kindness, and service to his community will continue on.

## RECOGNIZING MR. DONNIE R. WHEELER OF VIRGINIA BEACH, VIRGINIA, PRESIDENT OF THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES, FOR HIS SERVICE AND DEDICATION

### HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. FORBES. Mr. Speaker, I rise today in recognition of Mr. Donnie R. Wheeler, General Manager of the Hampton Roads Sanitation District (HRSD) in Virginia Beach, VA. Mr. Wheeler is an exceptional leader and public steward dedicated to the Nation's and Virginia's environment and public health. It is a great pleasure to congratulate Mr. Wheeler on becoming the first President of the National Association of Clean Water Agencies (NACWA), formerly the Association of Metropolitan Sewerage Agencies (AMSA). No one could be more deserving of this leadership position.

A graduate of Virginia Tech, Mr. Wheeler was employed by the Virginia State Water Control Board for seven years before joining HRSD in 1974. Mr. Wheeler's distinguished career with HRSD—a nationally recognized regional wastewater treatment utility, which serves 17 cities and counties covering 3,100 square miles of southeast Virginia—has spanned three decades. Under his management, HRSD has been honored with a host of awards from the U.S. Environmental Protection Agency and is recognized as a state innovator for initiatives such as Virginia's first municipal water reuse project.

On May 2, 2005, the members of NACWA elected Mr. Wheeler to be the president of the Association stemming from his exemplary commitment and dedication to the clean-water community.

With Mr. Wheeler as President, NACWA will no doubt be the leading advocate for responsible national policies that advance clean

water and a healthy environment. Simply stated, when I hear the term ''environmentalist'', I think of public servants like Donnie first. This is because Donnie's contributions to his profession, his community, and to Virginia are numerous.

Mr. Wheeler is a founder of the Virginia Association of Municipal Wastewater Agencies (VAMWA) and served as its president for six years. His career achievements have earned the respect of his colleagues at the local, state and national levels, resulting in awards from the Virginia Water Environment Association (VWEA) and Environment Virginia. Mr. Wheeler has also served as an Adjunct Associate Professor of Environmental Engineering at Old Dominion University.

Again, it is with great pleasure that I congratulate Donnie on becoming President of NACWA. I am certain the Association will continue to flourish under his able leadership.

## AGRICULTURAL TRADE

### HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. KING of Iowa. Mr. Speaker, I stand today in support of the U.S.-Dominican Republic-Central America Free Trade Agreement and the benefits it will provide to hardworking American farmers. Currently, the U.S. market is already fairly open to agricultural products from Central America and the Dominican Republic, but U.S. farmers face a variety of tariffs and other barriers when exporting to the DR–CAFTA countries. This agreement will eliminate those barriers, reciprocate open market access, and put American farmers on a level playing field.

As the nation's top exporter of corn, with farm cash receipts of over $3.7 billion, corn producers from the great state of Iowa, which I represent, would benefit from the FTA. Recent price strength in U.S. pork markets is directly related to increased U.S. pork exports. Mexico is a good example. DR–CAFTA countries are also important export market for Iowa soybean farmers, who are the top exporters of soybeans. Nationwide these exports already account for 14 percent, a total of 1.0 million metric tons or 58 million bushels. Finally, the Iowa beef industry would benefit from the FTA. In 2003, the U.S. found bovine spongiform encephalopathy (BSE) in a Canadian cow causing us to have export challenges with Japan. The U.S. has lost valuable beef exports, and this FTA would help expand access and market potential.

This Agreement will provide U.S. farmers with unequaled access to a large market with growing incomes and growing demands for agricultural and food products. The elimination of tariffs will provide American farmers with preferences over producers in Canada, Europe, and other countries. This will help to restore lost U.S. market share and increase overall exports to the five DR–CAFTA countries.

Mr. Speaker, I strongly urge my colleagues to support American farmers and to support this very important piece of legislation.

## IN MEMORY OF MICHAEL WRONIKOWSKI

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to ask that these moving words delivered on April 2, 2005 by Brian Wronikowski at a memorial service for his father, Michael Wronikowski of Detroit, Michigan, who passed away on March 16, 2005, be included in the CONGRESSIONAL RECORD:

First of all, my family and I would like to thank all of you for coming today. We appreciate everyone taking time out of their busy lives to celebrate the life of someone who was and always will be such an important part of ours. Everyone's thoughts, prayers and kind words have not gone unnoticed. Thanks again.

We would like to invite any and all of you to continue the celebration of Mike's life after mass. Stop in for a bite to eat. Stop in to say hello. All are welcome to stop by at Mike and Kathy's home. Just follow the caravan of people walking down Audubon after the service.

Joseph and Dorothy Wronikowski welcomed Michael John, their 3rd of 5 children into the world on September 3rd, 1946. He was born in the city of Detroit, where he lived all 58 of his years. Raised in the Catholic faith, he attended Guardian Angel Elementary School and graduated from De La Salle High School in 1964.

After graduation, he joined the Army Reserves, where he served as a security code specialist until 1972. It was also upon graduation that he began work as a printer, a career that would last over thirty years. In June of 1967, he met and began dating Kathleen McEvoy, a former classmate of his from Guardian Angels. Although they were in the same grade, they were never in the same classroom in any of their eight years. On May 10, 1968, a mere eleven months later, they were married.

Being the good Catholic young adults that they were, my parents got to work on starting their family. Nine and a half months after they were married, Anne Marie, their first child was born. Eleven months later, came John Michael. And so on and so on to the tune of eight children in nine and a half years. As the kids kept coming, and the bills kept rising, my father worked two jobs to provide for us and send us through Catholic schools. You see, public school was never an option for us kids in our parent's eyes. They were both brought up in Catholic households and a Catholic education was the only way to go.

My Dad became a printer back in the '60's because it meant a pay increase over his job in the mail room. But make no mistake, he took great pride in his craft. I can remember him bringing home picture after picture that he worked on. I think all of us kids had ''The Tiger's Roar in '84'' poster that he worked on hanging in our rooms at some point.

It was not all work for my Dad. He was a spectacular athlete in his younger years. He dabbled in a just about everything. He was a solid third baseman. As you heard, he was lucky enough to play in the nets in the storied Montreal Forum. He was also a very good golfer, and he was the best bowler I have ever seen.

As the years went on, working the long hours on the printing press took quite a toll on my dad's body. He developed degenerative disc disease, which resulted in four separate back surgeries. He lived every day in constant pain, but you would never know it, because he would never show it. His desire to live and be active outweighed his desire to live in comfort.

As the surgeries mounted, he was forced to give up all of his hobbies that he loved for so long. Instead of feeling sorry for himself and packing it in, he moved on to other hobbies that I am sure were no better for his back than his sports were. He redid almost the whole inside of my parent's house. You cannot step foot inside a room there that doesn't have his fingerprints all over it. My mom even turned him on to the wonderful world of gardening. Pulling weeds, planting bulbs—all sorts of fun stuff. But it wasn't the job that he was doing that was important to him; instead, it was how he did it. He was a perfectionist at heart. And it didn't matter if he was working the presses or vacuuming our pool, the job was not done until it was perfect.

My Dad stopped working in 2000. And though we had some stressful times over the last few years, anybody that knew him knows that his last few years were his happiest. His kids were all grown up. He was blessed with five beautiful grandchildren. And he got to enjoy more time with my Mom than any other time in their marriage. Sure, they had their hard times like any other couple. But my parents were married 36 years. Neither one ever strayed. Through thick and through thin, their love never wavered.

Everyone has different things that will always stick with them. Different memories. Different ''Dadisms''. Here are a few. My Dad was a very good listener. Sometimes he offered his opinions, but more times than not he just wanted to be there for his kids. His silent confidence is already missed. My dad was a huge hockey fan. Many a Saturday night was spent in our younger years with the TV tuned in to Hockey Night in Canada. And it didn't really feel like the Wings had won the Cup until we were able to get Dad on the phone and share our excitement. My Dad was always very affectionate with both his kids and his grandkids. Every time someone was leaving our parents to go back home, wherever home may be, you knew it was time for a kiss on both cheeks from Dad. And a giant bear hug. Then he would stand at the door and wave goodbye, not moving until the car was out of sight. My Dad was always there for all of us. Whether someone needed a ride, a couple extra bucks or just a visit to say hi, you could always count on him. I will be honest with you now—my sisters gave my Dad some of the ugliest gifts I have ever seen. The hats. The shirts. Not so good. Didn't matter though. If the card attached said Love, one of his kids or grandkids, that gift automatically became his favorite article of clothing. And he wouldn't take it off. One of our neighbors gave us a card that read ''I will personally miss Mike because of the man I knew him to be—a helpful, caring, involved and thoughtful neighbor.'' Any time we were talking to my Dad on the phone, each call would end the same way. ''I love you. Okay, bye.'' That's my Dad.

I will have many long lasting memories of my Dad. But some will stick around more than others. I think like just about every other five or six year old kid, I thought of my Dad as the strongest man on Earth, some type of super hero almost. He had these huge, Popeye like forearms that he got from the long hours working on the press. As years went on, and I looked at my Dad as more of a human being than a super hero, my thoughts of his strength faded away. The last few years, I watched him and marveled. Not because of his arm strength, but more because of his inner strength. He persevered through his life in a way that I cannot do

justice in words. In the last month, I saw that inner strength shining through. He was not ready to leave us. He was not ready to leave my Mom. And he fought and he fought til his last day. I realize now that maybe I was right when I was five or six. Maybe he was a super hero. But it wasn't the muscles in his arms that made him that, it was that giant muscle in his chest. And all of us who knew him are better people because of it.

When I started to piece this together, I came across a poem that reminds me of my Dad to a tee. I would like to share it with you. It is anonymously penned, entitled ''Don't Quit.''

''When things go wrong as they sometimes will;
When the road you're trudging seems all uphill;
When the funds are low, and the debts are high
And you want to smile, but you have to sigh;
When care is pressing you down a bit—
Rest if you must, but do not quit.
Success is failure turned inside out;
The silver tint of clouds of doubt;
And you can never tell how close you are
It may be near when it seems so far;
So stick to the fight when you're hardest hit—
It's when things go wrong that you must not quit.''

Well, thank you all for letting me share a little bit about him with you. And in my Dad's own words, ''I love you Dad. Okay bye.''

So Mr. Speaker, it is my honor to rise to recognize the memory of Michael Wronikowski.

## IN HONOR OF ADMIRAL JAMES WATKINS

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. FARR. Mr. Speaker, I rise today to honor a great American and his significant contributions to building the smart, proud, and effective Navy and Marine Corps that so ably serve our Nation today. On April 20, Admiral James D. Watkins is being inducted in the Naval Postgraduate School Hall of Fame and, the following day, the Mechanical Engineering building on campus will be renamed ''Watkins Hall''. Admiral Watkins graduated from the Naval Postgraduate School in 1958 with a Master's Degree in Mechanical Engineering. That experience, perhaps more than any other, helped Admiral Watkins develop his second career as one of our Nation's preeminent science and technology policy statesmen.

Admiral Watkins graduated with the Class of 1949 from the U.S. Naval Academy. He retired from the Navy in 1987 after serving five years as the Chief of Naval Operations, the most senior military command within the United States Navy. In between, he built a naval career at sea and on shore that is the model for service to this Nation and for every officer who followed.

After retiring from the Navy Admiral Watkins began this second career when President Reagan asked him to chair the Presidential Commission on AIDS. In 1989, President George H. Bush appointed him Secretary of Energy. As Secretary, Admiral Watkins helped shape the 1992 Energy Policy Act through Congress. In 1994, Admiral Watkins built on the NPS tradition of collaborative education when he spearheaded the formation of CORE, the Consortium for Oceanographic Research and Education. This public—private association is a partnership between the federal government and more than 80 marine research and education institutions. CORE developed a comprehensive national ocean science and technology research agenda. In 1996, I proudly joined my congressional colleagues in passing the National Oceanographic Partnership Act, legislation that grew directly out of Admiral Watkins' leadership at CORE.

In 2001, Admiral Watkins left CORE's helm to chair the U.S. Commission on Ocean Policy. In 2004, the Commission delivered its landmark report to Congress and the President that recommended major reforms to U.S. ocean policy. Admiral Watkins' leadership infused the report and, as so often happened before, served as the catalyst for congressional action. I am pleased to be the sponsor of Oceans–21 that will implement many of the Commission's key recommendations.

While no one act can recognize all that Admiral Watkins has done for our Nation's military and environmental security, the dedication of Watkins Hall at the Naval Postgraduate School is a fitting tribute to one of our Nation's most distinguished Naval officers.

## 30TH ANNIVERSARY OF THE ESTABLISHMENT OF THE ONCOLOGY NURSING SOCIETY

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. ISRAEL. Mr. Speaker, as co-chair of the House Cancer Caucus, I rise today to pay tribute to oncology nurses. This year the Oncology Nursing Society is celebrating its 30th Anniversary. During that time, we have seen great advancements in cancer care. Cancer patients have a better chance of survival than ever before. In the past 20 years, the survival rate has doubled from 32 percent to 64 percent. Oncology nurses have played a big part in that.

Oncology nurses are vital to providing quality care. They are on the frontlines in our nation's battle against cancer, and serve an essential role to, not only their patients, but also to the American public. Dr. Andrew von Eschenbach, the director of the U.S. National Cancer Institute, has stated, ''By 2015, we can eliminate cancer suffering and death.'' Dr. von Eschenbach's goal can only be achieved with oncology nurses. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system.

The Oncology Nursing Society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocate for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support. ONS has 13 chapters in my home state of New York, which help oncology nurses provide high quality cancer care to patients and their families in our state.

I thank all oncology nurses for their dedication to our nation's cancer patients, and commend the Oncology Nursing Society for all of its efforts and leadership over the last 30 years. They have contributed immensely to the quality and accessibility of care for all cancer patients and their families, and I urge my colleagues to support them in their important endeavors.

## HONORING THE ONCOLOGY NURSING SOCIETY ON ITS 30TH ANNIVERSARY

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to oncology nurses. Oncology nurses play an important and essential role in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system.

I congratulate the Oncology Nursing Society (ONS) on its 30th Anniversary. ONS is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals. Since 1975, ONS has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocate for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support. ONS has 19 chapters in my home state of California, which help oncology nurses provide high quality cancer care to patients and their families in our state.

Cancer is a complex, multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. Each year in the United States, approximately 1.37 million people are diagnosed with cancer, another 570,000 lose their battles with this terrible disease, and more than 8 million Americans count themselves among a growing community known as cancer survivors. Every day,

oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Over the last ten years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all cancer patients receive care in community settings, including cancer centers, physicians' offices, and hospital outpatient departments. Treatment regimens are as complex, if not more so, than regimens given in the inpatient setting a few short years ago. Oncology nurses are involved in the care of a cancer patient from the beginning through the end of treatment, and they are the front-line providers of care by administering chemotherapy, managing patient therapies and side-effects, working with insurance companies to ensure that patients receive the appropriate treatment, provide counseling to patients and family members, in addition to many other daily acts on behalf of cancer patients. I thank all oncology nurses for their dedication to our nation's cancer patients, and commend the Oncology Nursing Society for all of its efforts and leadership over the last 30 years. They have contributed immensely to the quality and accessibility of care for all cancer patients and their families, and I urge my colleagues to support them in their important endeavors.

## HONORING JULIAN BURNSIDE—A TRUE HERO

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Julian Burnside, a friend and fellow veteran whose long and distinguished life recently came to an end.

Julian was an extraordinary man. Born in Tampa, he worked for the city as well as for Tampa Electric Company. Later in life he worked as a safety engineer for Underwriter's Laboratories. Julian was active in the community, volunteering his time and expertise to charitable and civic causes, especially during his busy retirement. He founded a Republican Club in my congressional district back when being a Florida Republican was unusual. He was a loyal Republican who held fast to his conservative principles, though he did so amiably and without disparaging those who held differing opinions.

Julian also was a distinguished and decorated Army veteran of the Second World War. He fought in the Battle of the Bulge, where inexperienced and battle-weary American soldiers stopped German troops from breaching their lines and splitting Allied Forces. British Prime Minister Winston Churchill called it ''undoubtedly the greatest American battle of the war,'' which thwarted Hitler's last attempt to stop surging Allied fortunes. Julian justifiably was proud that some believed it was the greatest battle in American military history, a battle in which he was injured and earned the Purple Heart.

Julian also endured a seven-month stay as a prisoner-of-war in Dresden, Germany, a time during which he lost 60 pounds from near starvation. He credited thoughts of his wife, and of the desire to again eat pork chops, for helping him get through those tough times. ''I could see those pork chops frying in a pan,'' he once said in his typical lighthearted way.

Mr. Speaker, I was blessed to know Julian Burnside for so many years and benefit from his friendship, humor, and kindness. I will miss him as will everyone whose lives he touched.

## COMMON SENSE AUTOMOBILE EFFICIENCY ACT OF 2005

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. RUPPERSBERGER. Mr. Speaker, today I am introducing legislation that provides credit for the purchase of new qualified fuel cell, hybrid, or other alternative fuel motor vehicle.

The Common Sense Automobile Efficiency Act of 2005 encourages consumers to purchase environmentally friendly vehicles that will help reduce greenhouse gas emissions while simultaneously reducing our country's oil dependence. It repeals the phase-out of the Qualified Electric Vehicles Credit and Deduction for Clean fuel-Vehicles so that 100% of the credit can be claimed through 2009. Consumers would receive a tax credit of up to $1,000 for hybrid gas-electric powered vehicles and $4,000—for fuel-cell vehicles.

Making our environment cleaner and reducing our dependence on foreign oil requires the participation of all stakeholders, including both consumers and manufacturers.

Cars, SUVs and other light trucks consume millions of barrels of oil every day and emit harmful amounts of carbon dioxide, a principal greenhouse gas. Passenger vehicles alone account for one-fifth of all U.S. carbon dioxide emissions. With significant fuel economy and low tailpipe emissions, alternative-fuel and advanced-technology vehicles help to reduce the environmental impact of driving an automobile. Getting more miles out of a gallon of gas means lessening our dangerous reliance on oil, lowering levels of key air pollutants, and saving consumers money at the gas pumps.

All Americans need a choice in buying cars that can increase their fuel-efficiency. While the average fuel economy of vehicles on the road is at a twenty-one year low, gasoline prices continue to strain business and family budgets. Americans now spend more than $500 million per day to fuel their cars and light trucks. Families deserve a more affordable way to get to work, school, vacation, home or any destination on the road. Businesses that rely on vehicles to function need the cost-efficiency of driving hybrid vehicles.

Although major automakers currently offer advanced technology and alternative fuel vehicles and plan to produce a full range of fuel-efficient options, including SUVs, minivans, and pickup trucks, the cleanest vehicles available to the public should be more economical.

The tax incentives provided by this bill would not only save consumers money—but spur market demand for more fuel-efficient vehicles. As people around the country embrace cleaner, more efficient cars, American automobile manufacturers must continue to improve fuel efficiency in order not to lose market share and jobs. This bill would help automakers invest in the production of alternative fuel motor vehicles—and accelerate the introduction of newer models into the marketplace.

The Common Sense Automobile Efficiency Act of 2005 provides a win-win situation for consumers, the economy, and the environment. It offers valuable incentives for the purchase and production of alternative vehicles and fuels—and enables consumers to help limit fuel consumption, reduce our dependence on foreign oil, and protect our air quality.

## TRIBUTE TO CONGREGATION BETH AM ON THE OCCASION OF THE FIFTIETH ANNIVERSARY OF ITS FOUNDING

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Ms. ESHOO. Mr. Speaker, I rise today to honor Congregation Beth Am as it celebrates its 50th anniversary. Since its founding in 1955, this Reform Jewish Synagogue has been a leader in social action and community welfare in the Bay Area, and has embodied the Jewish community's longstanding involvement in religious and public life. Since its beginnings with 100 families represented at its first meeting, the congregation has grown to nearly 1,400 families from the mid-Peninsula area who gather at Beth Am to worship, to study, to lead and to strengthen both the Jewish community and the Bay Area community as a whole.

When Congregation Beth Am was founded, the population of the San Francisco Peninsula was booming. Beth Am filled a need for a new Reform Synagogue and it grew accordingly after its establishment. The first formal meeting, which was held in March of 1955, was attended by 300 people representing 100 families. A year later, the congregation grew to 250 families. Registration at the religious school, which also opened in March of 1955, jumped from 100 children at its founding to 340 children only 2 years later. Beth Am first met in the First Methodist Church and Unitarian Church for Shabbat and High Holy Day services. Today, members congregate in a beautiful synagogue in Los Altos Hills.

As Beth Am's congregation has grown, so has its involvement with the communities on the Peninsula. Members have volunteered their time and resources to a variety of causes throughout the area, including the Ecumenical Hunger Program, the Urban Ministry of Palo Alto, and Opportunities Industrialization Center West. The congregation's Social Action Committee notes that ''We, as Jews, are commanded to pursue Justice, and to participate in Tikkun Olam, or Repairing the World.'' The congregation's website has a ''Tikkunometer'' that counts the number of hours the congregation has pledged to community service. Fueled by this sense of responsibility to the community and dedication to service, Congregation Beth Am has improved our community and the lives of those around them.

None of this would be possible without the outstanding leadership that Congregation Beth Am has been blessed with since its founding 50 years ago. Rabbi Irving A. Mandel was Beth Am's first Rabbi. He was followed by Rabbi Sidney Akselrad in 1962, who for 24 years imbued Beth Am with a social-action

consciousness by participating in a variety of interfaith endeavors, spreading understanding of Jewish heritage, and fighting to break down racial barriers in the United States. Rabbi Akselrad served as President of the Northern California Board of Rabbis, the Western Association of Reform Rabbis, and the Palo Alto Ministerial Association. When he became Rabbi Emeritus in 1987, Rabbi Richard A. Block took on his role as Senior Rabbi. For 12 years, Rabbi Block led the congregation, initiating a process of educational innovation he dubbed ''life-long learning,'' which inspired a national partnership, the ''Experiment in Congregational Education.'' His successor, Rabbi Janet Ross Marder, has been leading Beth Am since she became Senior Rabbi in 1999. She served as the first woman President of the Pacific Association of Reform Rabbis, and the first woman President of the Central Conference of American Rabbis. She's married to Rabbi Sheldon Marder of the Jewish Home in San Francisco, and together they are raising 2 daughters, Betsy and Rachel.

Mr. Speaker, I'm exceedingly proud to honor Congregation Beth Am as it celebrates its 50th anniversary. For a half century it's been a center of worship and service and it has truly lived up to its name, Beth Am, which translates from Hebrew to ''House of the People.'' Beth Am is a source of pride to everyone in our Congressional District and will continue to be a pillar of our community for decades to come.

## PERSONAL EXPLANATION

### HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. WICKER. Mr. Speaker, on rollcall No. 90, the vote to suspend the rules and pass S. 686, a bill for the relief of the parents of Theresa Marie Schiavo, I was unavoidably absent. Had I been present, I would have voted ''yea.''

## TENNESSEE CRIMINAL JUSTICE LANGUAGE ACADEMY

### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to recognize the efforts of individuals in Tennessee who are providing a much needed training program for the law enforcement community. Columbia State Community College under the direction of its President, Dr. Rebecca Hawkins, in partnership with the Governor's Highway Safety Office directed by the distinguished Charles Taylor, along with countless others have worked together to institute a Spanish Language Training program for police officers.

These two organizations have joined in the development of the Tennessee Criminal Justice Language Academy. The Academy is housed at Columbia State Community College and provides Spanish language training for police officers in Tennessee. The program is funded through a grant from the National Highway Traffic Safety Administration (NHTSA).

As you know, Mr. Speaker, the Hispanic population is surging across our nation. A large number of Latino and Hispanic individuals have made their way into Tennessee. Both urban and rural communities in Tennessee have seen a great influx of people with Hispanic origin. This causes new demands on the social institutions of our state and it has created a major need in the law enforcement community. Law enforcement officers must be able to communicate with the citizens in their communities or they will not be effective in carrying out their duties. In large cities, police departments sometimes have officers who can speak the diverse languages of the citizens, but this is not the case in most areas of Tennessee due to the rural composition of our state. Most law enforcement in Tennessee are English speaking only, which causes many disadvantages for both the officers and the Hispanic citizens in the community.

Verbal communication is crucial for police officers in traffic stop situations. The officer and driver must have a common understanding and way to communicate. If not, a barrier develops leaving both the officer and the Hispanic citizen with few options to resolve the issue. Officer safety becomes a problem in these type cases as well.

In traffic stops where the driver is suspect of being impaired, it is extremely important for the officer to be able to communicate with the individual. The commands for the NHTSA approved Standardized Field Sobriety Test (SFST) must be given by the officer and understood by the suspect to be effective. If the officer cannot speak and understand Spanish and the suspect cannot speak and understand English the then the SFST is not effective in assisting the officer in making the decision to arrest or not. This leaves two scenarios: the officer allows the impaired driver to leave without arrest, or an innocent driver is arrested. The breech of communication causes both actions.

Tennessee has not overlooked these problems. The Hispanic population is already in our communities, and we have started providing training to law enforcement agencies so that a bridge of communication can be built. The Spanish for Law Enforcement Program has trained over 1000 officers thus far. This joint program by the Tennessee Governor's Highway Safety Office and Columbia State Community College serves as a model for other states that are experiencing the same need. Simply put, this program provides officers in Tennessee with a necessary new tool to better serve their communities.

## CELEBRATING THE 50TH WEDDING ANNIVERSARY OF FRED AND ROSEMARIE GORTLER

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. PASTOR. Mr. Speaker, I rise before you today to draw attention to the 50th wedding anniversary of Fred and Rosemarie Gortler of Fredericksburg, Virginia. I first became acquainted with the Gortlers during Fred's two decades of serving here as a Democratic floor assistant in the House of Representatives and it is an honor to celebrate this loving couple's marital milestone.

Fifty-one years ago, Fred Gortler and Rosemarie Battista met on a blind date in their hometown of Staten Island, New York, while Fred was home on leave from the Navy. At the time, Rosemarie was a nursing student at St. Mary's Hospital in Brooklyn, New York. They were engaged only four months later and were married on May 14, 1955.

The couple remained in Staten Island for over 20 years before moving to their current home in Fredericksburg in 1977. Both Fred and Rosemarie have committed their careers to serving the public and their communities. Fred worked for 21 years in the New York City police force, in positions ranging from administrative to mounted police officer in Central Park. Shortly after relocating to Fredericksburg, he began his service in the U.S. House of Representatives where he stayed for over 20 years.

Rosemarie was a practicing nurse at Saint Vincent's Hospital in Staten Island where she was also a member of the faculty, teaching psychiatric nursing. She returned to school to obtain her Masters in Counseling and currently works as a private counselor, specializing in individual, family, and substance abuse counseling. She has also co-authored several children's books including Little Acts of Grace, Just Like Mary, and A Very Scary Time, written numerous newspaper and magazine articles, and contributed regularly to a mental health column in a local newspaper, titled Minding the Mind.

The couple has been blessed with five children and 18 grandchildren, the newest addition to the family coming all the way from China. The Gortler family extends out from Virginia to Connecticut, Illinois, and Florida.

The couple's 50 years of dedication to each other reflects that of their own parents, as both Fred and Rosemarie's parents also enjoyed 50 years of marriage. In late April, the couple will be joined by many friends and family at the Chapel and the Officers' Club in Fort Belvoir, Virginia to toast their half-century of marriage. Their children and grandchildren will be proudly hosting the couple's anniversary celebration, where Fred and Rosemarie will renew their wedding vows. The celebration is being held early due to grandparent obligations—six grandchildren in three different states will be graduating in May.

Mr. Speaker and colleagues, please join me in honoring and celebrating 50 years of marriage between Fred and Rosemarie Gortler, a union built on devotion and love for family. I have had the privilege of knowing this loving couple for many years, and have witnessed the strong sense of family values, self-sacrifice, and commitment to public service that defined their lives together. It is with great joy that I extend my congratulations to Fred and Rosemarie Gortler and their beloved family, and I wish them many more years of wedded happiness.

## HONORING SCOTT TOWNSLEY CHASE

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. HYDE. Mr. Speaker, they say the sinew of our representative democracy is its citizens.

We lost one of our model citizens—Mr. Scott Townsley Chase—on Easter Sunday, March 27, 2005. I have known the Chase family for several years, and I was saddened to hear of Scott's passing as a result of cancer at the young age of 46 years. He loved his family dearly and will be sorely missed by those he touched and impacted within the Elmhurst community.

Upon graduation from York High School, Scott matriculated to Valparaiso University. After completing the requirements for a Bachelor of Science degree, Scott entered the Valparaiso Law School and graduated with a law degree in 1983. He was proud to be an attorney and thought it was the noblest profession a person could pursue. His family indicated that Scott liked solving people's problems and took pride in providing the best representation for all his clients.

Scott was married to Michelle Chase—an attorney as well—and was the proud father of three wonderful children—Austin, Kelsey, and Morgan. Though Scott's family and friends will dearly miss him, they will always take solace in knowing that Scott has provided a foundation from which all can build upon while living life to the fullest.

## ADMINISTRATION'S AMTRAK REFORM LEGISLATION

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. OBERSTAR. Mr. Speaker, I join Chairman YOUNG in introducing, by request, the Administration's Amtrak ''reform'' legislation. It is a common practice for the Chairman and Ranking Member of a Committee to jointly introduce an Administration's bill, regardless of which political party controls the White House or Congress or the specifics of proposed legislation, and I do this as a courtesy to the Administration. However, introducing a bill ''by request'' should not be interpreted to imply endorsement. In fact, in this instance, I am strongly opposed to the Administration's legislative proposal for Amtrak and the direction this Administration has chosen for intercity passenger rail service in our Nation.

The Administration's proposal is nothing new. It is the same flawed bill that the Administration sent to Congress in 2003. The bill establishes two private for-profit corporations to separately manage and maintain infrastructure and operations, eliminates our Nation's intercity passenger rail network and shifts the cost burden of continuing rail service to the States, separates the Northeast Corridor from the rest of the rail network, divides Amtrak into three separate entities, and eliminates Federal operating support for all intercity passenger trains over a four-year period. As a practical matter, within three years, all long-distance train service is likely to be eliminated. Soon thereafter, the United States entire intercity passenger system could consist of skeletal service along the East and West coasts.

The Administration's trust in the magic of privatization and decentralization to solve Amtrak's problems is astonishing. It shows this Administration's ignorance of the disastrous consequences of privatization and under-investment in rail. Great Britain's experience with privatization is a perfect example. In 1994, government-owned British Rail was dissolved and the British government separated intercity passenger rail infrastructure from operations. A private corporation called Railtrack took over ownership of all track, signaling, and stations. Passenger train operators competed with each other to provide service. Unfortunately, the new approach assumed that private sector innovation and discipline would drive down the railway's public funding requirement and drive up quality of service, overcoming recent trends of falling demand. It didn't work, and it led to tragic consequences.

The safety of operations and the quality of service declined steadily. More than 30 people were killed in an accident at Ladbroke Grove in 1999 and four more were killed in an accident at Hatfield in 2000. In 2001, another fatal accident occurred at Potters, just north of London. These accidents were directly traceable to privatization and Britain's long history of under-investment in rail.

Today, the British government is reeling from the legacy left behind by privatization. The government has almost doubled funding for rail, and has taken steps to improve performance and tackle the backlog of maintenance and renewal needs that exploded under privatization. British government officials have described their rail privatization as ''an absolute disaster''.

Despite the British experience, the Bush Administration's blind faith in the ideology of privatization leads it down the same wrong path. Let us not repeat Britain's mistake. The solution to Amtrak's problems is not privatization. Amtrak's problems have one root cause: money. Lack of adequate investment and the annual threat of elimination have conditioned Amtrak to focus on survival.

Amtrak's opponents are quick to point fingers at Amtrak management, and claim that private corporations could dramatically improve intercity passenger rail service. The truth is that a succession of hardworking and dedicated management teams at Amtrak could not do the impossible—that is, operate our Nation's intercity rail passenger service without a substantial level of investment from the Federal Government. Railroads throughout the world receive some government support to supplement the revenues paid by passengers. But the Administration continues to insist on the impossible.

Yet despite Amtrak's starvation budget, Amtrak has had its successes. Under David Gunn's leadership, Amtrak has improved operations and increased ridership to more than 25 million passengers in 2004: an increase of one million passengers from 2003 and an Amtrak record. In Southern California, Amtrak's Pacific Surfliner has had a 26.3 percent increase in ridership in the past year. In Southern California, Amtrak's Pacific Surfliner has had a 26.3 percent increase in ridership in the past year. Similarly, several Midwest trains, the Pere Marquette (up 22.1 percent), the State House (up 13 percent) and the Illini (up 11.4 percent), experienced the next largest increases in passengers. In the East, regional trains carried more passengers than any other Amtrak service in the country, increasing from 5,760,499 last year to 5,974,806—an increase of 3.7 percent.

Amtrak has also made significant progress in rebuilding infrastructure and rolling stock after years of deferred maintenance. In fiscal years 2003 and 2004, 256,000 concrete ties were laid; 2,755 bridge ties were replaced; 266 miles of continuous welded rail were installed; 34 miles of signal cable were replaced; and 19 stations and 37 substations were improved.

Amtrak's mechanical department plowed full steam ahead. In 2004, it remanufactured 180 passenger cars, rebuilt 51 wrecked cars and locomotives, and made seven Superliner baggage modifications in passenger cars.

Amtrak sold excess equipment, eliminated unprofitable services, lowered fares on long-distance routes to increase ridership, and, in partnership with the State of California, opened a $71 million maintenance facility.

In short, Amtrak is making great progress. All of this progress will halt under the Administration's radical Amtrak reform plan.

Therefore, while I join in introducing this bill as a traditional courtesy to the Administration, I want to be clear that I do not support its initiatives. Together with Chairman YOUNG, Subcommittee Chairman LATOURETTE, Subcommittee Ranking Member BROWN, and the other Members of the Committee on Transportation and Infrastructure, I strongly support both H.R. 1630, the Amtrak Reauthorization Act of 2005, and H.R. 1631, the Rail Infrastructure Development and Expansion Act for the 21st Century (RIDE 21). In the 108th Congress, the Committee on Transportation and Infrastructure reported similar bills with near unanimous bipartisan support. I am very hopeful that the Committee on Transportation and Infrastructure will again soon consider this bipartisan legislation and begin to provide the necessary investment for our Nation's intercity passenger rail system—that is the ''reform'' that Amtrak so direly needs.

## PERSONAL EXPLANATION

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House on Tuesday, April 19, due to a previous and unavoidable commitment. Therefore, I was unable to vote on H.R. 683 (rollcall No. 109), H.J. Res. 19 (rollcall No. 110), and H.J. Res. 20 (rollcall No. 111). Had I been present, I would have voted ''aye'' on all three measures considered before the House.

## HONORING THE DISTINGUISHED SERVICE OF BILLY PAUL CARNEAL

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. GORDON. Mr. Speaker, today I rise to honor Billy Paul Carneal, a Springfield, Tennessee, native who has dedicated his life to public service and the past 11½ years as the executive director of the Springfield-Robertson County Chamber of Commerce. Billy Paul has decided to retire from the chamber, and I want to thank him for all he has done for his community, which I have the honor of representing in this esteemed body.

Billy Paul has served as a teacher in Robertson County, a school principal and administrator in nearby Cheatham County, the mayor of Springfield and a volunteer firefighter. In addition, he currently serves as a Robertson County commissioner. Billy Paul's contributions to his community can be traced to his grandfather, R.W. Darke, who was a member of both houses of the Tennessee General Assembly and the city clerk for Springfield.

Billy Paul's service as a public school teacher and administrator is especially admirable. He says he became an educator because his teachers in high school and college served as excellent role models for him. He then passed his own passion for case history and government to a new generation. Today, his former students are doctors, lawyers, public officials and teachers.

As mayor of Springfield, Billy Paul was instrumental in changing the city's form of government from three at-large commissioners to a board of mayor and aldermen, with a city manager to oversee operations. He says the decision to seed the change in government was one of the toughest he made as mayor.

Billy Paul's latest contribution to his community involved a very successful tenure as the executive director of the chamber. In this capacity, he improved immensely the quality of life for Robertson County residents. But Billy Paul did not do all this alone. He had help from many in the community, and he had the love and support of an understanding wife and family. He attributes the support of his wife, Pat, and their three children for his accomplishments. Billy Paul, I wish you well in your future endeavors and thank you for your service to a community you obviously cherish.

## CONGRATULATIONS TO DR. JOHN PETILLO, PRESIDENT OF UMDNJ

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. PAYNE. Mr. Speaker, I rise today to congratulate Dr. John Petillo on his inauguration as the third president of the University of Medicine and Dentistry of New Jersey. UMDNJ has been a vital resource for the people of New Jersey for more than 30 years. Comprised of eight schools on five campuses, a behavioral health network, and Newark's University Hospital, UMDNJ provides world-class education to practicing and future healthcare professionals and scientists, including physicians, dentists, researchers, nurses, and scores of allied and public health professionals. With more than 13,000 employees, UMDNJ is the eighth largest employer in New Jersey. There are nearly 19,000 UMDNJ alumni, the overwhelming majority remains in New Jersey. It is estimated that the University's health care and educational programs touch the lives of two million persons yearly.

Dr. Petillo brings many strengths and talents to this important appointment. He has enjoyed an extensive career in the corporate, nonprofit, academic and theological fields. He has served as the chief executive officer for several national corporations, chancellor for Seton Hall University, and as a member of the board for many nonprofit foundations.

More recently, Dr. Petillo served as the first president and chief executive officer of the Newark Alliance, a nonprofit organization composed of representatives from private and civic groups whose shared goals is to improve the educational opportunities and economic redevelopment in Newark.

Prior to joining the Newark Alliance, Dr. Petillo was chief executive officer at Tribus Companies, Care Advantage, Inc., and Blue Cross Blue Shield of New Jersey. As president and CEO of Blue Cross Blue Shield of New Jersey, Dr. Petillo was influential in eliminating the reserve deficit and replacing it with a reserve surplus. During his tenure he advocated legislation requiring all health insurance carriers to underwrite individual policies regardless of medical histories.

In addition to serving leadership roles with corporate organizations, Dr. Petillo has also served as chancellor of Seton Hall University and the Archdiocese of Newark. While chancellor and chief executive officer at Seton Hall, Dr. Petillo was credited with completing the first development campaign in the institution's history and significantly increasing the residential student capacity. He also succeeded in achieving competitive salaries for the full time faculty, expanded institutional research, and with faculty consensus and monitoring instituted merit compensation.

In June 2003, Dr. Petillo was appointed Chairman of the Board of Trustees of the University of Medicine and Dentistry of New Jersey by Governor James E. McGreevey. In June 2004, Dr. Petillo assumed the responsibilities of Interim President of UMDNJ. The Board of Trustees named Dr. Petillo University President on November 16th, 2004. Dr. Petillo has a Ph.D. in Counseling and Personnel Services from Fordham University, an M.A. in Counseling from Seton Hall University and an M.P.A. from Rutgers University.

Under Dr. Petillo's stewardship UMDNJ is embarking on a new chapter in its history—proud of its accomplishments and focused on its future as a leader in health sciences research, education, and healthcare. UMDNJ and the State of New Jersey are fortunate to have the benefit of Dr. Petillo's leadership. I look forward to many more accomplishments made possible through the University's considerable intellectual capacity and fulfillment of its community service mission.

## CONGRATULATING MS. PAULETTE W. WILLIAMS ON THE OCCASION OF HER RETIREMENT AS DIRECTOR OF THE MOBILE COUNTY, ALABAMA EMERGENCY MANAGEMENT AGENCY

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 20, 2005*

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Ms. Paulette Williams on occasion of her recent retirement from the position of director of the Mobile County Emergency Management Agency. Throughout her 40-year career, Paulette has contributed her extensive knowledge and expertise at the local, State, and Federal levels of emergency management and civil defense.

As an area frequently impacted by natural disasters and other such events, particularly during hurricane season each year, Mobile County has a well-established need for an efficient and well-run emergency management system. Paulette Williams has provided the leadership for such an organization, and her presence and expertise has been extremely helpful numerous times during the past several years, most significantly during Hurricane Ivan which made impact on Alabama's Gulf Coast on September 16, 2004. In the hours and days immediately following the storm, Paulette worked tirelessly with her team and with officials from all levels of government to coordinate the emergency relief so vitally needed by the tens of thousands of residents in the county. The work was incredibly difficult and the hours quite long, but through it all she maintained a firm hold on the situation and worked to ensure the county returned to as normal a life as possible in as short a time period as possible.

This work ethic has been a hallmark of her entire career and has resulted in numerous professional accomplishments. In 1992, she was selected by the Federal Emergency Management Agency as one of four emergency management staff members from Alabama to assist in the State of Florida following Hurricane Andrew. In 1994, she was invited by the United States Department of Defense to participate in the first International Emergency Management Conference. The Alabama House of Representatives appointed her to serve as a member of the State's Homeland Security Task Force in 2003, and the next year she was chosen by Alabama Governor Bob Riley to serve on the Alabama Citizens Corps Council.

At the present time, she serves as president of Alabama 3, one of the state's two disaster assistance medical teams, and serves on the executive board of the Greater Mobile Emergency Planning Committee. She also serves as the legislative chairperson of the Alabama Association of Emergency Managers.

In addition to her impressive professional resume, Paulette has been recognized numerous times during her career for her outstanding contributions to her career field and her community. She was selected to be included in Who's Who in America for the 1998–1999 year, and she was listed in Who's Who of American Women between 1995 and 2000. Additionally, Governor Riley honored her when he selected Paulette as the first female and first merit employee ever selected for the post of Director of the Alabama Emergency Management Agency.

Mr. Speaker, there are few individuals who have provided more invaluable service to their community, their county, and their state than Paulette Williams. She is an outstanding example of the quality individuals who have devoted their lives to public service, and I ask my colleagues to join with me in congratulating her on the occasion of her retirement. I know her colleagues, her family, and her many friends join with me in praising her accomplishments and extending thanks for her many efforts on behalf of Mobile County and the state of Alabama, and I would like to wish her much success in all future endeavors as she enters this new phase of her life.

## TRIBUTE TO EARL STERNKE, MILWAUKEE, WI, IN RECOGNITION OF 40 YEARS OF SERVICE TO THE BOY SCOUTS

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to honor my constituent, Mr. Earl Sternke. Mr. Sternke is a model of service to his community, having provided leadership and mentoring to youth for over 40 years.

Mr. Sternke is a distinguished exemplar of the American spirit of generosity. A veteran, husband and father, Mr. Sternke has made a commitment to the Boy Scouts from the earliest days of parenting his own children. As a troop leader, he raised his two sons in Scouting, helping both achieve the prestigious rank of Eagle Scout. But his work did not stop there. He continued to lead troops long after his children were grown, training boys to follow the same Scout Oath that he lived every day of his life.

Mr. Sternke also contributed to the strength and development of the Boy Scout institution in innumerable other ways. As a trainer and training chairman, Mr. Sternke was responsible for helping many young Scouters become leaders. He helped design emblems, certificates and badges, some of which are still used by troops today. His award-winning design for the Boy's Life Display for the 1981 National Jamboree brought national attention to the Milwaukee Boy Scouts Council.

Throughout the period of his involvement, Mr. Sternke received numerous awards from the Boy Scouts. I am especially impressed that Mr. and Mrs. Sternke were awarded the Silver Beaver Award in 1975 as a tribute to their work together in training young Scouters. Clearly, these two provided a model of leadership that could inspire youth to dedicate themselves to family, community and country.

It is a distinct pleasure to offer my thanks to Mr. Sternke for a lifetime of service. He has been unselfish in volunteering his time, his experiences, his resources and his money to improve the community in which he lives. Our community and Nation are better places because of his work.

## RECOGNIZING VICTOR MARCUS OF SAN FRANCISCO, CA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mr. THOMPSON of California. Mr. Speaker, it is an honor to join with my colleague Democratic Leader NANCY PELOSI to honor our friend, Victor Marcus, on the occasion of his 90th birthday.

Victor Marcus was born in 1915 in Berlin, Germany. He escaped Nazi Germany in 1936 and immigrated to America.

He is one of San Francisco's most prominent residents and has been president of a real estate firm, the Victor L. Marcus Company, for the past 52 years. He serves on numerous committees and boards and actively participates in a variety of civic and political endeavors. His leadership and vision have no doubt strengthened his beloved home, San Francisco, California.

In 2003 Victor Marcus received the Distinguished Leadership Award from the Jewish Committee of San Francisco for his immeasurable contributions to San Francisco's business world, cultural institutions, and the Jewish Community. He has generously and enthusiastically supported the Jewish Community with particular expertise in issues relating to Israel, foreign affairs and diplomacy.

Victor Marcus is a connoisseur and patron of the arts and one of his greatest passions, music, is demonstrated by his support of the San Francisco Opera and Symphony. His loves in life are music, fine wines and wonderful food. He is the proud uncle of three nephews from South Africa who have traveled to the United States to celebrate this milestone with him.

Mr. Speaker and colleagues, we join Victor Marcus's family and friends in congratulating him on his 90th birthday and extend our best wishes to him.

## TRIBUTE TO YWCA OF ESSEX AND WEST HUDSON—CELEBRATING NINE DECADES OF EXCELLENCE

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mr. PAYNE. Mr. Speaker, I am proud to rise today to recognize a valued institution in my Congressional district. For the past ninety years, the YWCA of Essex and West Hudson has been dedicated to the empowerment of women and girls as well as the elimination of racism. Founded at a time when women suffered through inhospitable working and living conditions, the YWCA of the USA was founded, in 1858, in order to fight for gender parity. The early pioneers of the organization realized that they could overcome racial and gender discrimination by banding together to form strong alliances of determined women.

Since 1914, the Essex and West Hudson affiliate of the YWCA has provided the highest quality in health and fitness, recreation, education, child development and social services programming. Over nine decades, it has evolved from offering camping activities to providing childhood development classes to pregnant and parenting teens. Currently, the Essex and West Hudson affiliate serves nearly 200 children in its after-school programs, over 500 children in its summer camps and over 200 birth through 5 year-olds in its early childhood education programs.

In commemoration of 90 years of service, on May 19, 2005, the YWCA of Essex and West Hudson will celebrate the grand opening of its new state-of-the-art building. This facility will house amenities such as a computer learning center and an Aquatics & Fitness Complex.

I salute the YWCA of Essex and West Hudson as they "celebrate nine decades of excellence" for their dedication to women, girls and the community at-large. I am proud to have this organization in my district and I wish them continued success in their future endeavors.

## WHATEVER IT TAKES TO REBUILD ACT

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mrs. MALONEY. Mr. Speaker, today I am introducing the "Whatever It Takes To Build Act" with Representatives OWENS, ISRAEL and SERRANO of New York.

This legislation would remove a $5 million cap placed on the Community Disaster Loan program that provides communities with lost tax revenues following disasters. This cap was added in 2000. Prior to 2000, no cap was in place and several communities received in excess of $5 million from the Federal Government for lost tax revenues, to recover from disasters.

Right after 9/11, the President promised New York City that he would do whatever it takes to rebuild. While he and the Congress has provided billions in relief, much more still needs to be done to make New York City whole. The new GAO report shows that we are still suffering significant tax losses. Lack of this revenue forces New Yorkers to payout of their pockets again and again for the attacks of 9/11 or suffer the loss of essential services. New Yorkers should not be forced to bear this burden alone. That is why I am introducing the Whatever It Takes to Rebuild Act and I implore the Congress and the President to support this legislation. I urge my colleagues to support this important legislation.

## A TRIBUTE TO THE FIRST CHURCH OF THE NAZARENE OF PASADENA

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the First Church of the Nazarene of Pasadana, California. During the months of February and March, the First Church of the Nazarene of Pasadena will be celebrating its 100th Anniversary.

The church began in 1905 and was led by Founding Pastor Dr. John W. Goodwin with 54 members that met in each others' homes. As the congregation grew, the church moved to Mary Street in 1906, then Raymond Avenue, Mountain Street, and finally Sierra Madre Boulevard, where it resides today. Today the church has over 2,000 members, which includes a congregation with nine different cultural backgrounds.

First Church of the Nazarene of Pasadena had several Pastors, including Pastors J.W. Ellis, Earl G. Lee, H.B. London, Jr., Dr. Stephen Green, Dr. Jeff Crosno and the current Pastor, Jay Ahlemann. One of the church's notable members was James Dobson, Founder and Chairman of Focus on the Family, and his wife Shirley, who were members for over 30 years.

The church has many programs that serve the community. The Compassionate Ministries program consists of: Helping Hands—a food and clothing facility on the church campus, Church in the Park—service to the homeless on Sunday mornings, El Centro Trabajo—an

advocacy organization for day laborers, and a South Central Los Angeles food distribution center. Compassionate Ministries fed and clothed more than 22,000 people last year.

Other programs include PrimeTime which provides fellowship for seniors and Loveline, a phone ministry for homebound seniors. In His Image serves families of special needs children on a weekly basis, providing Sunday School classes, parent connections and support groups, respite events for the parents, an all-inclusive sports programs for the entire family and special events like the Special Olympics Unified Basketball event, San Gabriel Valley Region. Parent Education Seminars, Support Groups through the Recovery Ministries, Sunday School, Sunrise Preschool and Academy of the Arts are also among the many services that the First Church of the Nazarene of Pasadena offers to its members and the community.

I am proud to recognize the First Church of the Nazarene of Pasadena for its 100 years of offering a place of loving care and joyous worship to the people of the San Gabriel Valley and I ask all Members to join me in congratulating the congregation for their remarkable achievements.

## IN MEMORY OF CAROL SEAVER, MILWAUKEE, WISCONSIN

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to celebrate the life and accomplishments of Carol Seaver. Ms. Seaver, a Milwaukee-area activist and advocate for victims of domestic abuse, enjoyed a life of service and compassion. She died February 10, 2005.

Born Carol Zagar, Ms. Seaver was raised on the south side of Milwaukee and went on to the University of Wisconsin-Madison, where she met her husband, Ted Seaver. She was active in the civil rights struggle in other parts of the country, but moved back to Milwaukee in 1968, where she continued her education and focused her work on service to the elderly. She worked as the director for the Interfaith Retired and Senior Volunteer Program, serving senior citizens throughout Milwaukee, before working for the Milwaukee Women's Center.

At the Milwaukee Women's Center, Ms. Seaver was the founder and director of the Older Abused Women's Program, the first of its kind in the nation. The program, which offered counseling and support services to elderly women suffering from abuse by partners or caregivers, celebrated its 10th Anniversary in 2002. That same year, Ms. Seaver was honored with the National Sunshine Peace Award, presented in recognition of extraordinary efforts in the field of domestic violence.

In 2004, the Carol Seaver Suites at the Milwaukee Women's Center were dedicated in her honor, providing emergency housing for older or disabled women fleeing domestic abuse.

Friends and colleagues of Ms. Seaver credit her with enormous compassion and dedication to the cause of elder abuse. It saddens me to note the passing of such a committed and caring individual. I am honored to have known Carol Seaver, and to have this opportunity to celebrate the many contributions she made to the lives of residents of the Fourth Congressional District.

## HONORING BRIAN JAMES McINNIS FOR INNOVATIVE VOTING PROJECT AT UC DAVIS

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mr. THOMPSON of California. Mr. Speaker, I rise today to acknowledge the outstanding efforts of Brian James McInnis, a student at the University of California, Davis, to increase student participation in the electoral process. In 2004 Brian McInnis conceived and coordinated with the Yolo County Clerk/Recorder, the first UC Davis Early Voting Satellite Station which had the effect of increasing student participation in the 2004 Presidential Election by 100 percent, resulting in 3,000 more students voting.

Brian took full responsibility for every aspect of the UC Davis Early Voting Project, was faultless with regard to dependability and fairness, and made the program so successful that early voting will be extended to other satellite locations.

Brian, who was reared in Marin County, California, has been enrolled at UC Davis since 2002, majoring in history and economics. He has been active in the Associated Students of UC Davis where he has served in numerous capacities, including Founder and Chair of the Associated Students of UC Davis Lobby Corps Program. Currently Brian is Director of External Affairs for ASUCD.

Nominated by UC Davis Chancellor Larry Vanderhoef, Brian was the honorable mention recipient of the 2005 USA Today's All-USA College Academic Team program which recognizes students who excel in leadership roles both on and off campus. Brian was also recently recognized as "Advocate of the Year" for his work with the California State Legislature and the University of California Board of Regents.

Mr. Speaker, it is appropriate at this time that we commend Brian James McInnis for his outstanding record of community service and dedication to the democratic process, and who serves as an inspiration for all young people who may want to become more effectively involved in public service.

## TRIBUTE TO ANTOINETTE ''TONI'' DENISE WILLIAMS-McCEARY

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mr. PAYNE. Mr. Speaker, I am proud to rise today in memory of Antoinette Denise Williams-McCeary who was a life long resident of my Congressional district. Mrs. Williams-McCeary, lovingly known by friends and family as "Toni", was the third of 10 children and a mother of one.

In 1982, she began work in the financial services field. Unfortunately, that career came to an abrupt halt after developing pulmonary sarcoidosis, a multi-system disorder that currently has no cure. Yet as the saying goes, "when one door closes another one opens". Instead of resigning in defeat, she became a champion of the less fortunate through volunteer work.

She served as coordinator of the Self Help and Resource Exchange (SHARE), a program that is engaged in self-help food distribution systems, economic development, community service and educational programs. Mrs. Williams-McCeary also gave of herself by feeding neighborhood children and assisting her church in various capacities.

Ms. Williams-McCeary passed away on April 9, 2000. Her family created the Antoinette Denise Williams-McCeary Foundation in order to carry on her legacy of giving. The organization's primary focus is to provide financial assistance to the National Sarcoidosis Resource Center which conducts research in hopes of finding a cure.

Mr. Speaker, I invite my colleagues here in the U.S. House of Representatives to join me in honoring Antoinette Denise Williams-McCeary, who in life and death continues to help others in need. I am proud to have had her in my Congressional district and wish her foundation never-ending success in its future endeavors.

## 9/11 CAN YOU HEAR ME NOW ACT

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mrs. MALONEY. Mr. Speaker, today I am introducing the 9/11 Can You Hear Me Now Act with Representatives CHRIS SHAYS of Connecticut, ANTHONY WEINER, MAJOR OWENS, and CAROLYN MCCARTHY of New York.

The attacks on the World Trade Center in 1993 and on September 11, 2001, exposed serious communication problems for the New York City Fire Department, FDNY. Since these attacks, there have been major efforts to improve the FDNY's communication system, but much more needs to be done.

As we all know New York City is repeatedly mentioned as a top terrorist target and the lack of a fully-functional communications system is a threat not only to FDNY and New York residents lives, but also to all those who visit there.

The terrorist attacks were not just attacks on New York City, but on the Nation. With New York as a continuing top terrorist target, the protection of New York City is becoming a national responsibility. Other cities with tall buildings throughout the country face the same challenges with their communication systems and will need the same upgrades. Improvements in New York will lay the groundwork for improvements to communications systems across the country.

Recognizing this need, the 9/11 Can You Hear Me Now Act instructs the Department of Homeland Security, DHS, to provide the FDNY with a communication system that must be capable of operating in all locations and under the circumstances we know firefighters face and will continue to face when responding to an emergency in New York City.

This bill would require a communication system that includes three components—radios,

dispatch system and a supplemental communication device. It would require it to work in all buildings and in all parts of the city, something that the radios, unbelievably, do not now do. The supplemental communication device would allow firefighters to transmit an audible emergency distress signal when a firefighter is in need of immediate assistance, and DHS would work with the city of New York in their planned upgrades of the emergency 911 system and any interoperability initiatives with other public safety communication systems.

I urge all of my colleagues to support this important legislation.

## IN HONOR OF THE GLENDALE SALVATION ARMY'S 80TH ANNIVERSARY

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mr. SCHIFF. Mr. Speaker, I rise may to congratulate the Glendale Salvation Army for 80 years of providing outstanding social services to the City of Glendale and surrounding communities.

Established on June 1, 1925, the Glendale Salvation Army has a firm vision of maintaining a multi-program facility while serving a multi-ethnic neighborhood. The Glendale Salvation Army provides spiritual social services and excellent community outreach.

The Salvation Army participates in several outstanding programs that bring hope to the hearts of those that walk through their doors. Meals on Wheels provides hot, nutritious meals to those unable to leave their homes or prepare their own food. Volunteer drivers deliver the meals and socialize with the recipients. The Lord's Kitchen is a growing partnership with nine Glendale churches that help Glendale's homeless and low-income families with food and rental or utilities assistance. The Nancy Painter Home is a partnership with the City of Glendale and U.S. Housing and Urban Development. The home provides hope for families trapped in a cycle of homelessness. Six families with children may live in the facility for up to 2 years while they put their lives back together. The Salvation Army is also supportive of Silvercrest which is a 78 unit senior low-income housing complex. In addition, the organization supports an outstanding after school tutoring program for middle school students. These are just some of the exemplary services that the Glendale Salvation Army provides to meet the specific needs within the community. Each program remains faithful to the Army's vital mission.

I ask all Members of Congress to join me today in congratulating the Glendale Salvation Army for 80 years of exemplary public service, and for its immense commitment to the City of Glendale and its residents.

## TRIBUTE TO STEPHEN H. MARCUS, WISCONSIN 2004 BUSINESS LEADER OF THE YEAR

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize Stephen Marcus, a Milwaukee business leader and philanthropist, who was recognized this month by the Harvard Business Club of Wisconsin and the Milwaukee Journal-Sentinel as the Wisconsin 2004 Business Leader of the Year.

Mr. Marcus joined the family business in 1962, after graduating from the University of Michigan Law School. By 1980, Steve Marcus was President of the theater, restaurant and hotel business. He became chairman in 1991, succeeding his father Ben.

Marcus Theatres is the ninth largest theatre circuit in the United States. The family's investments, under Stephen Marcus' leadership, extend from southern Wisconsin to southern California.

To be a truly successful business leader, you must be a leader in your community. You accept chairmanships to raise funds that help your community thrive. You sit on boards that fund and approve grants to organizations that reach people in need and lift them up. You give of your time, your energy, your resources and your leadership skills. Steve Marcus is that kind of leader and he is the kind of person that makes a difference. For these and many other reasons, I am pleased to congratulate Steve Marcus for being named the Wisconsin Business Leader of 2004.

## RECOGNIZING MIKE RIPPEY OF AMERICAN CANYON, CALIFORNIA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize former Napa County Supervisor Mike Rippey of American Canyon, California as the Sierra Club honors him with the Earl Thollander Award for his outstanding environmental achievements.

Mike's keen interest in the environment has led him to a lifetime dedicated to environmental preservation. After earning his Bachelor of Science degree from California State University, Humboldt and his Masters Degree from Harvard University's John F. Kennedy School of Government, Mike returned to Napa County where he has made numerous invaluable contributions to our community.

Mr. Speaker, Mike is known to be a soft-spoken man, but his actions resonate throughout the community. After garbage companies threatened to turn the Napa County into San Francisco's dumping grounds in the 1980's and 90's, Mike quickly took action. A passionate and dedicated man, Mike worked tirelessly to fight the garbage companies, spearheading an opposition group that raised awareness of the potentially hazardous landfills. His activism was met with overwhelming success. He was not only able to stop the creation of these landfills, but also encouraged the garbage companies to implement recycling as a method of reducing unnecessary waste.

He has also served on multiple environmental boards across Northern California including the CalFed Task Force-Bay Area Water Forum and the Bay Conservation and Development Commission. Mike also chaired the Napa County Local Agency Formation Commission working to prevent urban sprawl.

Mr. Speaker, from 1992 until 2004, Mike served on the Napa County Board of Supervisors. During his tenure, Mike played an integral role in the creation and implementation of the Napa River Flood Control Project. Each year heavy winter rain has caused the Napa River to flood, destroying many homes and hundreds of acres of land. Instead of constructing man made channels to re-direct the flooding river, Mike helped design an environmentally sound alternative to allow the river to flow naturally without damaging homes or land.

Mike's most recent accomplishment has been the creation of the new solar powered Sheriff's office which is the only law enforcement building in the country to have been awarded a National Leadership in Energy Efficiency Gold Certificate.

Mr. Speaker, it is necessary that we take this time to thank Mike Rippey for his service and dedication to protecting our environment and ask that you join me in wishing him the best in all his future endeavors.

## TRIBUTE TO SACRED HEART PARISH—100TH ANNIVERSARY

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the Sacred Heart Parish of Jersey City, New Jersey on the celebration of its 100th anniversary. Sacred Heart's role in serving the community began before the parish was approved and continues to this day with the St. Martin de Porres Soup Kitchen.

The Parish consists of a campus of buildings that include the Dominican Priory, the Church, the School and the Parish Hall. While those buildings define the physical presence of the parish in the neighborhood and Jersey City community, the most important and lasting features of the parish are the people of Sacred Heart.

Sacred Heart Parish was approved by Bishop O'Connor on February 14, 1905. The Church building was designed by Ralph Adams Cram who was guided in the Dominican tradition by Father McNicholas, O.P. and Spanish Gothic was the basis for the church design.

The long history of Sacred Heart School is a story of deeply rooted faith, passionate work and a belief that the spirit inspires all undertakings. It encompasses the response of a parish, the Sisters of Charity, dedicated teachers and volunteers. It is a story of children educated in knowledge and values. And, it is a story of a good seed planted and sown and brought to fruition.

Mr. Speaker, I know my colleagues agree that the Parish of Sacred Heart and the surrounding community have every right to be

proud of the lasting contributions that Sacred Heart has made to the residents of Jersey City. I am pleased to congratulate Sacred Heart on its first 100 years.

## PROTECTING THE PURPOSE OF THE ETHICS COMMITTEE

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mr. WILSON of South Carolina. Mr. Speaker, for the past six weeks, Democrats have attacked Majority Leader TOM DELAY's character, leadership and intentions.

Although Democrats continue to smear Congressman TOM DELAY, they forget that they are responsible for preventing the Ethics committee from investigating the charges directed at Mr. DELAY. Since the beginning of the 109th Congress, House Democrats have refused to allow the Ethics Committee to meet to address this issue.

Four Ethics Committee Republicans have pledged that as soon as Democrats permit the Ethics Committee to function again, they will vote to form an investigative subcommittee to review various allegations concerning travel and other actions by Congressman DELAY.

Majority Leader DELAY has said all along that he wants to appear before the Ethics Committee to address recent accusations. Unfortunately, Democrats prefer to attack his character for political purposes rather then officially investigate these allegations. Democrats should stop playing politics with the House Ethics Committee, and should give Congressman DELAY the opportunity to defend himself through the Congressional ethics process.

In conclusion, God bless our troops and we will never forget September 11th.

## THANKS AND GRATITUDE TO HIPOLITO ACOSTA, DISTRICT DIRECTOR, USCIS

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

Mr. GENE GREEN of Texas. Mr. Speaker, today to extend my thanks and gratttude to Hipolito Acosta for his service to Houston, Texas and the United States as District Director of the U.S. Citizenship and Immigration Services office during the last three years and his 24 years serving our country.

A native Texan, Mr. Acosta was born in Presidio, Texas and started his career with USCIS as a U.S. Border Patrol Officer in Marfa in 1975. Throughout his career he has received numerous awards as well as international recognition for his leadership in customer service and enforcement duties. He is a four-year Navy Veteran and a former member of the Illinois National Guard. He is also one of the most highly honored legacy INS officers, including six Commissioner Awards and the prestigious Newton-Azrak Award for courage and heroism displayed in the line of duty.

His domestic career included front line and leadership roles in the fight against alien smuggling in key positions such as Criminal Investigator in Chicago, Special Agent with the El Paso District and Border Patrol Sector, and as Supervisory Special Agent in Brownsville, Texas. High profile investigations and successful undercover operations involving thousands of smuggled aliens from Central America, Europe and the Middle East were trademarks of his investigative career.

In 1989, Mr. Acosta was selected as Assistant Officer in Charge of INS operations in Manila, Philippines, assuming command of the office in February 1991. During his tenure in the Philippines, Mr. Acosta developed relations with host country government officials, to include the Office of the President and was one of six U.S. diplomats to receive high recognition by President Corazon Aquino. While in Manila, he developed the first ever citizenship program for thousands of Philippine World War II veterans. He was highly recognized as the driving force in the citizenship program abroad with the naturalization of over 7,000 applicants.

Following his tenure in the Philippines, Mr. Acosta was appointed to Officer in Charge in Monterrey and Ciudad Juarez. Later, as District Director for the INS Mexico City Office, he was responsible for overseeing sixteen different offices in Latin America and the Caribbean with operational jurisdiction over 42 countries, including a pre-inspection station in Aruba and refugee office in Havana, Cuba. In 2002, Mr. Acosta returned to Texas and assumed leadership of the INS Houston District and then became the first District Director of the U.S. Customs and Immigration Service in Houston.

I commend Mr. Acosta for his service to the United States and congratulate him on his retirement.

# *Daily Digest*

## HIGHLIGHTS

**Senate passed H.R. 1268, Supplemental Appropriations.**

**The House passed H.R. 6, Energy Policy Act of 2005.**

# Senate

## *Chamber Action*

*Routine Proceedings, pages S4041–S4138*

**Measures Introduced:** Twenty-four bills and one resolution were introduced, as follows: S. 866–889, and S. Res. 118. **Pages S4108–09**

**Measures Reported:**

S. 339, to reaffirm the authority of States to regulate certain hunting and fishing activities.

S. 378, to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, with an amendment in the nature of a substitute. **Page S4108**

**Measures Passed:**

*Supplemental Appropriations:* By a unanimous vote of 99 yeas (Vote No. 109), Senate passed H.R. 1268, making emergency supplemental appropriations for defense, the global war on terror, and tsunami relief, for the fiscal year ending September 30, 2005, after taking action on the following amendments proposed thereto: **Pages S4079–94**

Adopted:

Corzine Modified Amendment No. 368, to provide additional assistance in Sudan. **Page S4080**

DeWine Amendment No. 551 (to Amendment No. 564), to make the traumatic injury insurance provision retroactive for servicemembers injured in Iraq. **Pages S4081–82**

Craig/Akaka Amendment No. 564, to amend title 38, United States Code, to provide a traumatic injury protection rider to servicemembers insured under section 1967(a)(1) of such title, as amended. **Pages S4080–83**

Ensign Amendment No. 487, to provide for additional border patrol agents for the remainder of fiscal year 2005. **Pages S4079, S4084**

Subsequently, the amendment was modified. **Page S4087**

By 61 yeas to 39 nays (Vote No. 108), Bayh Amendment No. 520, to appropriate an additional $213,000,000 for Other Procurement, Army, for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMWVs). **Pages S4079–80, S4083, S4084–86**

Stevens (for DeWine) Amendment No. 565, to express the sense of the Senate that Congress should enact an increase for the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days and make such increased period applicable to children of members who have died since the commencement of military operations in Afghanistan. **Page S4087**

Stevens (for Kennedy) Modified Amendment No. 421, to express the sense of the Senate on funding for the continuing development of the permanent magnet motor. **Pages S4086–87**

Stevens (for Schumer/Boxer) Modified Amendment No. 484, to express the sense of the Senate on funding for the procurement of man-portable air defense (MANPAD) systems. **Page S4087**

Stevens (for Dodd) Modified Amendment No. 502, to express the sense of the Senate on funding for the replenishment of medical supply needs within the combat theaters of the Army. **Page S4087**

Stevens (for Frist) Amendment No. 566, to amend the Immigration and Nationality Act to provide for entry of nationals of Australia. **Page S4087**

Stevens (for Reid) Amendment No. 389, to reaffirm the authority of States to regulate certain hunting and fishing activities. **Page S4086**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Cochran, Stevens,

Specter, Domenici, Bond, McConnell, Burns, Shelby, Gregg, Bennett, Craig, Hutchison, DeWine, Brownback, Allard, Byrd, Inouye, Leahy, Harkin, Mikulski, Reid, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, and Landrieu. **Page S4094**

*State Mediation Program Reauthorization:* Committee on Agriculture, Nutrition and Forestry was discharged from further consideration of S. 643, to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs, and the bill was then passed. **Page S4138**

**Nominations Confirmed:** Senate confirmed the following nominations:

By 98 yeas 2 nays (Vote No. 107), John D. Negroponte, of New York, to be Director of National Intelligence. **Pages S4052–74, S4084**

Lieutenant General Michael V. Hayden, United States Air Force, to be Principal Deputy Director of National Intelligence.

1 Air Force nomination in the rank of general. **Pages S4086, S4138**

**Nominations Received:** Senate received the following nominations:

2 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

A routine list in the Navy. **Page S4138**

**Messages From the House:** **Page S4106**

**Measures Referred:** **Page S4106**

**Measures Read First Time:** **Pages S4137–38**

**Executive Communications:** **Pages S4106–08**

**Executive Reports of Committees:** **Page S4108**

**Additional Cosponsors:** **Pages S4109–10**

**Statements on Introduced Bills/Resolutions:** **Pages S4110–35**

**Additional Statements:** **Pages S4104–06**

**Amendments Submitted:** **Pages S4135–36**

**Notices of Hearings/Meetings:** **Page S4136**

**Authority for Committees to Meet:** **Page S4137**

**Record Votes:** Three record votes were taken today. (Total—109) **Pages S4084, S4086, S4093–94**

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 5:58 p.m., until 9:30 a.m., on Friday, April 22, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4138.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## APPROPRIATIONS: OMB

*Committee on Appropriations:* Subcommittee on Transportation, Treasury, The Judiciary, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2006, after receiving testimony in behalf of funds for the respective activities of Joshua B. Bolten, Director, Office of Management and Budget.

## METHAMPHETAMINE ABUSE

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine methamphetamine abuse, focusing on behavioral and health effects of the drug, and prevention and treatment strategies, after receiving testimony from Charles G. Curie, Administrator, Substance Abuse and Mental Health Services Administration, and Nora D. Volkow, Director, National Institute on Drug Abuse, National Institutes of Health, both of the Department of Health and Human Services; Vicki Sickels, Iowa Lutheran Hospital, Des Moines; and Richard E. Steinberg, WestCare Foundation, Inc., Sylva, North Carolina.

## Nominations:

*Committee on Armed Services:* Committee ordered favorably reported the nomination of Lieutenant General Michael V. Hayden, United States Air Force, for appointment to the grade of general.

Prior to this action, committee concluded a hearing to examine the nominations of Kenneth J. Krieg, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics, who was introduced by Senator Sununu; and Lieutenant General Michael V. Hayden (listed above), who was introduced by Senators Roberts and Collins, after each nominee testified and answered questions in their own behalf.

## DOD HEALTH CARE COSTS

*Committee on Armed Services:* Subcommittee on Personnel concluded a hearing to examine present and future costs of Department of Defense health care, and national health care trends in the civilian sector, after receiving testimony from Senator Coburn; David S.C. Chu, Under Secretary for Personnel and Readiness, and William Winkenwerder, Jr., Assistant Secretary for Health Affairs, both of the Department of Defense; David Blumenthal, Massachusetts General Hospital Institute for Health Policy, and Harvard Medical School, Boston; Robert S. Galvin,

General Electric Company, Stamford, Connecticut; and Susan D. Hosek, Rand Corporation, Santa Monica, California.

## HOUSING GOVERNMENT-SPONSORED ENTERPRISES

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded hearings to examine proposals to improve the regulation of Housing Government-Sponsored Enterprises, focusing on proposed policies to improve the balance of federal costs and benefits from the operations of Fannie Mae, Freddie Mac, and the Federal Home Loan Banks, after receiving testimony from Douglas Holtz-Eakin, Director, Congressional Budget Office; David M. Walker, Comptroller General of the United States, Government Accountability Office; Armando Falcon, Jr., Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development; and Ronald A. Rosenfeld, Chairman, Federal Housing Finance Board.

## HUD: BUDGET

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Housing and Transportation concluded a hearing to examine the President's proposed budget request for fiscal year 2006 for the Department of Housing and Urban Development, after receiving testimony from Alphonso Jackson, Secretary of Housing and Urban Development.

## BUDGET PROCESS REFORM

*Committee on the Budget:* Committee concluded a hearing to examine structural deficits and federal budget process reform, focusing on the United States economy, procedural restraints on budget-making mechanisms, the aging U.S. population, and medical care costs, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

## AMTRAK REAUTHORIZATION

*Committee on Commerce, Science, and Transportation:* Subcommittee on Surface Transportation and Merchant Marine concluded a hearing to examine the proposed reauthorization of Amtrak, focusing on intercity passenger rail service reform, after receiving testimony from Jeffrey A. Rosen, General Counsel, and Kenneth M. Mead, Inspector General, both of the Department of Transportation; and David M. Laney and David L. Gunn, both of the National Railroad Passenger Corporation (Amtrak).

## NOMINATION

*Committee on Finance:* Committee concluded a hearing to examine the nomination of Robert J. Portman, of Ohio, to be United States Trade Representative, with the rank of Ambassador, after the nominee, who was introduced by Senators DeWine, Voinovich, and Bunning, testified and answered questions in his own behalf.

## DEVELOPMENT BANK ANTI-CORRUPTION

*Committee on Foreign Relations:* Committee concluded a hearing to examine anti-corruption strategies of the African Development Bank, Asian Development Bank and European Bank on Reconstruction and Development, focusing on corporate culture and environment that features enhanced corporate governance, internal controls and compliance that promotes good governance in its countries of operation, after receiving testimony from Paul W. Speltz, Asian Development Bank, Manila, Philippines; Mark Sullivan, III, European Bank for Reconstruction and Development, London, United Kingdom; Hemantha Withanage, Center for Environmental Justice, and Sri Lankan Working Group on Trade and International Financial Institutions, Colombo, Sri Lanka; and Ted Devine, Government Accountability Project, Washington, D.C.

## FEDERAL WORKFORCE FLEXIBILITIES

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded an oversight hearing to examine governmentwide workforce flexibilities available to federal agencies including the implementation, use by agencies, and training and education related to using the new flexibilities, after receiving testimony from Marta Brito Perez, Associate Director for Human Capital Leadership and Merit System Accountability, Office of Personnel Management; Eileen R. Larence, Director, Strategic Issues, Government Accountability Office; Jeffery K. Nulf, Deputy Assistant Secretary of Commerce for Administration; Evelyn M. White, Acting Assistant Secretary of Health and Human Services for Administration and Management; Rafael DeLeon, Director, Office of Human Resources, Environmental Protection Agency; and Vicki A. Novak, Assistant Administrator for Human Capital Management and Chief Human Capital Officer, National Aeronautics and Space Administration.

## PRESIDENT'S MANAGEMENT AGENDA

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine the President's Management Agenda, including Federal financial performance, best practices, and program accountability, after receiving testimony from David M. Walker, Comptroller General of the United

States, Government Accountability Office; and Clay Johnson, III, Deputy Director for Management, Office of Management and Budget.

**EARLY EDUCATION**

*Committee on Health, Education, Labor, and Pensions:* On Wednesday, April 20, 2005, Subcommittee on Education and Early Childhood Development held a hearing to examine the Federal role to improve the effectiveness and coordination of early childhood education programs, including the Head Start program, the Child Care and Development Fund (CCDF), and increasing food security and reducing hunger, receiving testimony from Wade F. Horn, Assistant Secretary of Health and Human Services for Children and Families; Raymond Simon, Assistant Secretary of Education for Elementary and Secondary Education; and Kate Coler, Deputy Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

Hearing recessed subject to the call.

**SMALL BUSINESS HEALTH FAIRNESS ACT**

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine easing costs and expanding access relating to small businesses and health insurance, focusing on S. 406, to amend title I of the Employee Retirement Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees, after receiving testimony from Sandy Praeger, Commissioner of Insurance, Topeka, Kansas, on behalf of the National Association of Insurance Commissioners; Mitchell Blake, Ward & Blake Architects, Jackson, Wyoming, on behalf of the National Federation of Independent Business; Joseph E. Rossmann, Associated Builders and Contractors, Inc., Arlington, Virginia, on behalf of the Association Health Plan Coalition; Karen Ignagni, America's Health Insurance Plans, Washington, D.C.

**BUSINESS MEETING**

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 378, to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, with an amendment in the nature of a substitute;

S. 629, to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems, with an amendment;

S. 339, to reaffirm the authority of States to regulate certain hunting and fishing activities; and

The nominations of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, and Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 64 public bills, H.R. 1748–1811; and; 11 resolutions, H.J. Res. 43; H. Con. Res. 137–138, and H. Res. 224–231 were introduced. **Pages H2469–72**

**Additional Cosponsors:** **Pages H2472–74**

**Reports Filed:** Reports were filed today as follows:

H.R. 741, to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission, amended (H. Rept. 109–50);

H.R. 748, to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, amended (H. Rept. 109–51);

H. Res. 22, expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, amended (H. Rept. 109–52). **Page H2469**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker Pro Tempore for today. **Page H2397**

**Chaplain:** The prayer was offered today by Bishop Vicken Aykazian, The Armenian Catholic Church of America in Washington D.C. **Page H2397**

**Energy Policy Act of 2005:** The House passed H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, by a recorded vote of 249 ayes to 183 noes, Roll No. 132. **Pages H2399–H2450**

Agreed by unanimous consent that debate on the Capps motion to strike be limited to 30 minutes. **Page H2415**

Agreed to:

Ford amendment (No. 16 printed in H. Rept. 109–49) that authorizes the EPA to establish a program to encourage the domestic production of hybrid and advanced diesel vehicles; **Pages H2401–02**

Kucinich amendment (No. 17 printed in H. Rept. 109–49), as modified, that increases the number of project grants to local governments under the pilot program for the Department of Energy's Clean Cities program, and reduces the maximum dollar amount of grants; **Pages H2402–03**

Millender-McDonald amendment (No. 18 printed in H. Rept. 109–49) that establishes a Diesel Truck Retrofit and Fleet Modernization Program; **Pages H2403–04**

Blumenauer amendment (No. 19 printed in H. Rept. 109–49) that establishes a Conserve by Bicycling pilot program within the Department of Transportation; **Pages H2404–06**

Jackson-Lee amendment (No. 20 printed in H. Rept. 109–49) that earmarks $5 million annually for bioenergy training and education targeted to minority and socially disadvantaged farmers and ranchers; **Pages H2406–07**

Tom Davis of Virginia amendment (No. 21 printed in H. Rept. 109–49) that strikes the provision that would create two new, Senate-confirmed, assistant secretary positions in the Energy Department (agreed to extend the time for debate); **Pages H2407–09**

Walsh amendment (No. 22 printed in H. Rept. 109–49) that establishes an annual award for organizations that have advanced the field of renewable energy technology; **Pages H2409–10**

Engel amendment (No. 23 printed in H. Rept. 109–49) that makes producers of "approved renewable fuels" eligible for grants to build production facilities for renewable fuels (by a recorded vote of 239 ayes to 190 noes, Roll No. 125); **Pages H2410–12, H2414**

Israel amendment (No. 24 printed in H. Rept. 109–49) that requires the Comptroller General of the U.S. to conduct a study on the impact of the consolidation of gasoline wholesales on the gasoline retail market (by a recorded vote of 302 ayes to 128 noes, Roll No. 126); **Pages H2412–13, H2414–15**

Holt amendment (No. 26 printed in H. Rept. 109–49) that requires the Secretary of Energy, within two years of enactment, to report to Congress on potential fuel savings from information technology systems designed to help businesses and consumers to plan their travel and avoid delays; **Page H2416**

Inslee amendment (No. 28 printed in H. Rept. 109–49) that reduces by 50% any royalty payments for wind energy generation on land managed by the Bureau of Land Management; and **Pages H2427–28**

Kucinich amendment (No. 25 printed in H. Rept. 109–49) that authorizes a National Academy of Sciences study on the feasibility of mustard seed as a feedstock for biodiesel (by a recorded vote of 259 ayes to 171 noes, Roll No. 127). **Pages H2415–16, H2435**

Rejected:

Udall of New Mexico (No. 15 printed in H. Rept. 109–49) that sought to strike the provision that authorizes $10 million annually for three fiscal years for a program to identify, test, and develop improved techniques for mining uranium and for environmentally restoring uranium-mine sites (by a recorded vote of 204 ayes to 225 noes, Roll No. 124); **Pages H2399–H2401, H2413–14**

Grijalva amendment (No. 27 printed in H. Rept. 109–49) that sought to strike the section which requires the Secretary of the Interior to suspend the collection of royalty payments to the Treasury for offshore oil and gas production on the Outer Continental Shelf in the Gulf of Mexico (by a recorded vote of 203 yeas to 227 noes, Roll No. 128); **Pages H2416–18, H2435–36**

Capps motion to strike section 1502 regarding MTBE (by a recorded vote of 213 ayes to 219 noes, Roll No. 129); **Pages H2418–27, H2436–37**

Hastings of Florida amendment (No. 29 printed in H. Rept. 109–49) that sought to expand the definition of environmental justice, direct each Federal Agency to establish an office of environmental justice, and reestablish the interagency Federal Working Group on Environmental Justice (by a recorded vote of 185 ayes to 243 noes, Roll No. 130); and **Pages H2428–31, H2437**

Castle amendment (No. 30 printed in H. Rept. 109–49) that sought to strike a provision that specifies the Federal Energy Regulatory Commission, instead of state and local agencies, has the authority to approve the construction, expansion, or operation of any facility that imports or processes natural gas including liquefied natural gas (agreed to extend time for debate) (by a recorded vote of 194 ayes to 237 noes, Roll No. 131. **Pages H2431–35, H2437–38**

Agreed that in the engrossment of the bill, the Clerk be authorized to make technical and conforming changes as may be necessary to reflect the actions of the House. **Pages H2452**

H. Res. 219, the rule providing for consideration of the bill was agreed to yesterday, April 20.

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at noon on Monday, April 25, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 26 for Morning Hour debate.

Page H2450

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, April 27. Page H2450

**Quorum Calls—Votes:** Nine recorded votes developed during the proceedings today and appear on pages H2413–14, H2414, H2414–15, H2435, H2435–36, H2436–37, H2437, H2437–38, and H2449–50. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7:28 p.m.

# *Committee Meetings*

## SECURE RURAL SCHOOLS ACT IMPLEMENTATION

*Committee on Agriculture:* Held a hearing to review Implementation of the Secure Rural Schools Act of 2000: A Continuing Commitment to Rural Education and Sustainable Forestry. Testimony was heard from Mark E. Rey, Under Secretary, Natural Resources and Environment, USDA; and public witnesses.

## DEPARTMENT OF LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

## DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HUD, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies held a hearing on the Department of the Treasury. Testimony was heard from John W. Snow, Secretary of the Treasury.

## SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies, on Department of State held a hearing on International Organizations. Testimony was heard from Kim R. Holmes. Assistant Secretary, International Organization Affairs, Department of State.

## EARLY CHILDHOOD EDUCATION

*Committee on Education and the Workforce:* Subcommittee on Education Reform held a hearing on Early Childhood Education: Improvement Through Integration. Testimony was heard from Marsha Moore, Commissioner, Department of Early Care and Learning, State of Georgia; and public witnesses.

## SARBANES-OXLEY IMPACT

*Committee on Financial Services:* Held a hearing entitled "The Impact of the Sarbanes-Oxley Act." Testimony was heard from William H. Donaldson, Chairman, SEC; and a public witness.

## OMB MANAGEMENT WATCH LIST

*Committee on Government Reform:* Held a hearing entitled "OMB Management Watch List: $65 Billion Reasons to Ensure the Federal Government is Effectively Managing Information Technology Investments." Testimony was heard from Karen Evans, Administrator, Electronic Government and Information Technology, OMB; David Powner, Director, Information Technology Management Issues, GAO; Dan Matthews, Chief Information Officer, Department of Transportation; Robert McFarland, Assistant Secretary, Information Technology, Department of Veterans Affairs; Rosita Parkes, Chief Information Officer, Department of Energy, and Lisa Schlosser, Chief Information Officer, Department of Housing and Urban Development.

## FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT

*Committee on Homeland Security:* Ordered reported, as amended, H.R. 1544, Faster and Smarter Funding for First Responders Act of 2005.

## COMMITTEE FUNDING RESOLUTION

*Committee on House Administration:* Ordered reported H. Res. 224, providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress.

## ARAB WORLD—POLITICAL LIBERALIZATION

*Committee on International Relations:* Held a hearing on Redefining Boundaries: Political Liberalization in the Arab World. Testimony was heard from public witnesses.

### ZIMBABWE ELECTIONS

*Committee on International Relations:* Subcommittee on Africa, Global Human Rights and International Operations held a hearing on Zimbabwe: Prospects for Democracy after the March 2005 Elections. Testimony was heard from Constance Berry Newman, Assistant Secretary, Bureau of African Affairs, Department of State; and public witnesses.

### OVERSIGHT—USA PATRIOT ACT

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing on the Implementation of the USA PATRIOT Act: Sections of the Act that Address—Crime, Terrorism, and the Age of Technology. Testimony was heard from the following officials of the Department of Justice: Laura H. Parsky, Deputy Assistant Attorney General; and Steven M. Martinez, Deputy Assistant Director, Cyber Division, FBI; and public witnesses.

### OVERSIGHT—VISA WAIVER PROGRAM

*Committee on the Judiciary:* Subcommittee on Immigration, Border Security, and Claims held an oversight hearing entitled "October, 2005 deadline for Visa Waiver Program Countries to produce Secure Passports: Why it matters to Homeland Security." Testimony was heard from the following officials of the Department of Homeland Security: Elaine Dezenski, Acting Assistant Secretary, Policy and Planning, Border and Transportation Security Directorate; and Richard L. Skinner, Acting Inspector General; and public witnesses.

### OVERSIGHT—NATIONAL HISTORIC PRESERVATION ACT

*Committee on Resources:* Subcommittee on National Parks held an oversight hearing on the National Historic Preservation Act. Testimony was heard from Jan Matthews, Associate Director, Cultural Resources, National Park Service, Department of the Interior; John Nau, Chairman, Advisory Council on Historic Preservation; and public witnesses.

### SMALL BUSINESS GROWTH

*Committee on Small Business:* Subcommittee on Workforce, Empowerment, and Government Programs held a hearing entitled "Removing Obstacles to Job Creation: How Can the Federal Government Help Small Businesses Revitalize the Economy?" Testimony was heard from public witnesses.

### CAFTA IMPLEMENTATION

*Committee on Ways and Means:* Held a hearing on Implementation of the Dominican Republic-Central America Free Trade Agreement (DR–CAFTA). Testimony was heard from Representatives Burton, Dreier, Kaptur, DeFazio, Peterson of Minnesota, Lungren and Melancon; Peter F. Allgeier, Acting U.S. Trade Representative; and public witnesses.

## *Joint Meetings*

### VETERANS PROGRAMS

*Joint Hearing:* Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of certain veterans organizations, after receiving testimony from LeRoy Riddell, NCC (SW), USN (Ret.), Retired Enlisted Association, Penny Splinter, Gold Star Wives, George R. Kaye, and Joseph L. Barnes, both of the Fleet Reserve Association, and Chief Master Sergeant James E. Lokovic, USAF (Ret.), Air Force Sergeants Association, all of Washington, D.C.

### BUSINESS MEETING

*Joint Committee on Printing:* Committee met and designated Senator Lott as Chairman and Representative Ney as Vice-Chairman, and adopted its rules of procedure for the 109th Congress.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D 358)*

S. 256, to amend title 11 of the United States Code. Signed on April 20, 2005. (P.L. 109–8)

## COMMITTEE MEETINGS FOR FRIDAY, APRIL 22, 2005

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Armed Services:* Subcommittee on Emerging Threats and Capabilities, to hold hearings to examine United States Special Operations Command in review of the Defense Authorization Request for Fiscal Year 2006; to be followed by a closed session in S–407, Capitol, 9:30 a.m., SR–222.

### House

*Committee on Government Reform,* Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled "The National Parks: Will They Survive for Future Generations?" 10 a.m., 2154 Rayburn.

*Next Meeting of the* **SENATE**

**9:30 a.m., Friday, April 22**

**Senate Chamber**

**Program for Friday:** Senate will be in a period of morning business.

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

**12 noon, Monday, April 25**

**House Chamber**

**Program for Monday:** The House will meet at 12 noon on Monday in pro forma session.

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