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No. 168

## House of Representatives

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. WOLF).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
December 22, 2005.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore on this day.

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

### PRAYER

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

Lord God, the Beginning and the End, all natural beauty gives You glory. All human effort is destined to build Your kingdom of peace and justice.

Bless the finishing work of this First Session of the 109th Congress of the United States of America. May words of promise for the good of Your people come to fulfillment and bring good news to the poor. May laws here enacted be truly implemented with equality and accountability.

May the hopes of Americans be realized in the new year, and may this manifestation of free democracy in action be a sign of Your blessing upon all the Earth and give You glory, now and forever. Amen.

### THE JOURNAL

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

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

### NOTICE

If the 109th Congress, 1st Session, adjourns sine die on or before December 22, 2005, a final issue of the Congressional Record for the 109th Congress, 1st Session, will be published on Friday, December 30, 2005, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 29. The final issue will be dated Friday, December 30, 2005, and will be delivered on Tuesday, January 3, 2006. Both offices will be closed Monday, December 26, 2005.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H13177

## PLEDGE OF ALLEGIANCE

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

Mr. KILDEE 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.

## MESSAGE FROM THE SENATE

A message from the Senate by Mrs. Curtis, one of its clerks, announced that the Senate had passed with an amendment a bill of the house of the following title.

H.R. 1400. An act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

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

S. 119. An act to provide for the protection of unaccompanied alien children, and for other purposes.

S. 716. An act to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of breavement counseling by the Department of Veterans Affairs, and for other purposes.

S. 1182. An act to amend title 38, United States Code, to improve health care for veterans, and for other purposes.

S. 1184. An act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 1315. An act to require a report on progress toward the Millenium Development Goals, and for other purposes.

S. 2167. An act to amend the USA PATRIOT Act to extend the sunset of certain provisions of the Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006.

S. 2170. An act to provide for global pathogen surveillance and response.

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

S. Con. Res. 74. Concurrent resolution making appropriation for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

S. Con. Res. 75. Concurrent resolution encouraging all Americans to increase their charitable giving, with the goal of increasing the annual amount of charitable giving in the United States by 1 percent.

The message also announced that the Senate agreed to the report of the committee of conference on the further conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3010) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes."

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amend-

ment of the Senate to the bill (H.R. 1815) "An Act to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes."

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 1281) "An Act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010."

The message also announced that the Senate, having had under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1932) "An Act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95)," it was

*Resolved*, That the Senate defeated the conference report by operation of the Budget Act; be it further

*Resolved*, That the Senate concur in the amendment of the House with further amendment.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore WOLF signed the following enrolled bills on Wednesday, December 21, 2005:

S. 205, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers;

S. 652, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin;

S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes;

S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007;

S. 1481, to amend the Indian Land Consolidation Act to provide for probate reform;

S. 1892, to amend Public Law 107-153 to modify a certain date;

S. 1988, to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 22, 2005.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 22, 2005, at 2:30 pm:

That the Senate passed without amendment—H. Con. Res. 59.

That the Senate passed without amendment—H. Con. Res. 196.

That the Senate passed without amendment—H. Con. Res. 230.

That the Senate passed without amendment—H. Con. Res. 324.

That the Senate passed without amendment—H.R. 972.

That the Senate passed without amendment—H.R. 2017.

That the Senate passed without amendment—H.R. 3179.

That the Senate passed without amendment—H.R. 4501.

That the Senate passed without amendment—H.R. 4525.

That the Senate passed without amendment—H.R. 4579.

That the Senate passed without amendment—H.R. 4635.

That the Senate passed without amendment—H.R. 4637.

With best wishes, I am  
Sincerely,

KAREN L. HAAS,  
*Clerk of the House.*

## USA PATRIOT ACT 1-MONTH EXTENSION

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary and the Permanent Select Committee on Intelligence be discharged from further consideration of the bill (H.R. 4647) to amend the USA PATRIOT ACT to extend the sunset of certain provisions of such Act, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4647

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

## SECTION 1. EXTENSION OF CERTAIN PROVISIONS OF THE USA PATRIOT ACT.

Section 224(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56; 115 Stat. 295) is amended by striking "December 31, 2005" and inserting "February 3, 2006".

Mr. SENSENBRENNER. Mr. Speaker, in the wake of the September 11, 2001 attacks, Congress recognized that our Nation's intelligence and law enforcement communities lacked the

statutory tools necessary to meet and defeat the international terrorist threat. Large majorities in both Houses passed the PATRIOT Act to lower the wall of separation between the intelligence and law enforcement communities that prevented the sharing of threat information that might have averted these attacks. I supported the inclusion of sunsets in the PATRIOT Act because I recognized that the enlargement of Federal law enforcement authority and the attendant risk to civil liberties required comprehensive examination and affirmative congressional reauthorization.

Since passage of the PATRIOT Act in October of 2001, I have led aggressive congressional oversight of the implementation of the PATRIOT Act before the House Committee on the Judiciary, and the legislation has been exhaustively examined by the House Committee on Intelligence, as well as companion committees in the other body. The PATRIOT Act conference report is more protective of civil liberties than current law in dozens of areas, and is the product of extensive and bipartisan legislative and oversight, as well as intensive bipartisan and bicameral negotiations. On December 14, the House passed the PATRIOT Act conference report by a bipartisan vote of 251–174.

Last night, the other body ignored the will of the House, a majority of PATRIOT Act House-Senate conferees, and a clear majority of Senators bypassing a 6-month extension of the PATRIOT Act that contained none of the important civil liberties provisions carefully negotiated by House and Senate conferees.

The security of the American people should not be subordinated to the partisan brinkmanship of a minority of obstructionist Senators. It is imperative that the PATRIOT Act not be permitted to expire in order to ensure that our Nation's law enforcement and intelligence communities are provided the statutory mandate necessary to detect and defeat terrorist threats.

Let me respond to assertions that the conference report does not strengthen the civil liberties provisions of the original PATRIOT Act.

Senator SCHUMER and others have said that we ought to "mend it, not end it." Senator SCHUMER and others fail to recognize that conferees have already extensively mended it, and that further mending will have the effect of ending the vital antiterrorism provisions contained in this legislation and heighten the risk of future terrorist attack.

With respect to civil liberties enhancements, the PATRIOT Act conference report contains at least 30 additional civil liberties safeguards, many of which were requested by minority conferees. This conference report tightens the criteria necessary to obtain a multipoint wiretap, heightens reporting requirements of their use, increases safeguards for the use of delayed notice search warrants, imposes stringent requirements for the acquisition of business records under section 215 of the legislation, requires the approval of such orders from the FBI Director of other senior executive officials if they pertain to library, medical, educational or other records, limits the scope of material obtained through these orders, and prohibits the dissemination of information obtained.

The conference report also requires that the DOJ Inspector General conduct two separate audits of the FBI's use of section 215 orders that will examine: any noteworthy facts or cir-

cumstances relating to 215 orders, including any improper or illegal use of the authority; the manner in which such information is collected, retained, analyzed, and disseminated by the FBI; and an assessment of whether the minimization procedures protect the constitutional rights of United States persons.

Allows recipients of National Security Letters (NSLs) to consult with legal counsel and creates an explicit right to judicial review of NSL requests.

Permits a reviewing court to modify or set aside an NSL if compliance would be unreasonable, oppressive, or otherwise unlawful—this is the same standard used to modify or quash a subpoena in a criminal case.

Requires the DOJ Inspector General to conduct two comprehensive audits of the FBI's use of NSLs and requires the Attorney General and the Director of National Intelligence to submit to Congress a report on the feasibility of applying minimization procedures to NSLs to ensure the protection of constitutional rights of U.S. persons.

Adds a new "sunshine" provision that requires annual public reporting on NSLs. Provides for expanded congressional access to significant FISA reporting currently provided to the Intelligence Committees.

Includes a provision requiring the FISA Court to submit its rules and procedures to Congress. Creates new reporting requirements for the use of emergency authorities under FISA. Requires new reporting on the use of emergency disclosures of communications information made under section 212 of the USA PATRIOT Act.

Requires the Department of Justice to submit a report to Congress on the Department's data-mining activities.

As you can see from this list of changes, the conference report does more than just mends the PATRIOT Act, it overhauls it in important ways that a minority of Senators refuse to recognize.

In order to ensure that this vital antiterrorism legislation does not expire at the end of this month, I offer legislation that provides a 5-week extension of the PATRIOT Act. The PATRIOT Act has already been subject to the most exhaustive congressional consideration of any modern legislation. A 5-week extension will permit both bodies to again examine the legislation to ensure that it enhances the security of the American people while preserving our civil liberties. It will also ensure that the vital antiterrorism provisions contained in the act do not expire as some in the other body have openly advocated.

I urge my colleagues to support this important legislation to renew the critical antiterrorism tools contained in the PATRIOT Act by supporting passage of H.R. 4647.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 4647, just passed.

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

There was no objection.

#### USA PATRIOT ACT 6-MONTH EXTENSION

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2167) to amend the USA PATRIOT ACT to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. OBEY. Mr. Speaker, I reserve the right to object in order to simply ask at the proper time that I may be allowed to insert a statement from Mr. CONYERS in the RECORD with respect to the PATRIOT Act.

And I have been asked by the distinguished minority leader, Ms. PELOSI, to read the following statement:

"Mr. Speaker, I do not intend to object to this 1-month extension of the PATRIOT Act provision contained in this legislation. We would have preferred a 3- or 6-month extension to allow the American people a longer time to discuss the very serious impacts of these provisions on the civil liberties of the American people. But it appears we will only be given 1 month for that national debate.

"I also want it to be clear that this legislation involves only a small portion of the PATRIOT Act. Ninety percent of that act is law and remains law, regardless of what we do here today.

"The portion of the law in dispute is the very controversial section that affects the basic civil liberties of the American people. The rights of our citizens, as guaranteed by the Constitution, should not be shoehorned into a tight timeframe. We should have the time for a vigorous and thorough debate. In the meantime, the overwhelming majority of the PATRIOT Act is in place, and will remain in effect.

"Mr. Speaker, there is a very crucial debate in this country today about the rights of American citizens to privacy, and about the proper role of the Congress and courts in assuring that no one, not even the President, tramples on those basic privacy rights without complying with the law. In this atmosphere, it is appropriate to give additional time to examine the implications of these controversial provisions of the PATRIOT Act."

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2167

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

**SECTION 1. EXTENSION OF SUNSET OF CERTAIN PROVISIONS OF THE USA PATRIOT ACT AND THE LONE WOLF PROVISION OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**

Section 224(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (18 U.S.C. 2510 note) is amended by striking “December 31, 2005” and inserting “July 1, 2006”.

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

In section 1, strike “July 1, 2006” and insert “February 3, 2006”.

Ms. PELOSI. Mr. Speaker, I do not intend to object to this one-month extension of the PATRIOT Act provision contained in this legislation. We would have preferred a three or six month extension to allow the American people a longer time to discuss the very serious impacts of these provisions on the civil liberties of the American people. But it appears we will only be given one month for that national debate.

I also want it to be clear that this legislation involves only a small portion of the PATRIOT Act. Ninety percent of that Act is law and remains law, regardless of what we do here today.

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Mr. Speaker, there is a very crucial debate in this country today about the rights of American citizens to privacy, and about the proper role of the Congress and the courts in assuring that no one—not even the President—tramples on those basic privacy rights without complying with the law. In this atmosphere, it is appropriate to give additional time to examine the implications of these controversial provisions of the PATRIOT Act.

Mr. SENSENBRENNER. Mr. Speaker, in the wake of the September 11, 2001 attacks, Congress recognized that our Nation’s intelligence and law enforcement communities lacked the statutory tools necessary to meet and defeat the international terrorist threat. Large majorities in both Houses passed the PATRIOT Act to lower the wall of separation between the intelligence and law enforcement communities that prevented the sharing of threat information that might have averted these attacks. I supported the inclusion of sunsets in the PATRIOT Act because I recognized that the enlargement of federal law enforcement authority and the attendant risk to civil liberties required comprehensive examination and affirmative congressional reauthorization.

Since passage of the PATRIOT Act in October of 2001, I have led aggressive congressional oversight of the implementation of the PATRIOT Act before the House Committee on the Judiciary, and the legislation has been exhaustively examined by the House Committee

on Intelligence, as well as companion committees in the other body. The PATRIOT Act conference report is more protective of civil liberties than current law in dozens of areas, and is the product of extensive and bipartisan legislative and oversight, as well as intensive bipartisan and bicameral negotiations. On December 14, the House passed the PATRIOT Act conference report by a bipartisan vote of 251–174.

Last night, the other body ignored the will of the House, a majority of PATRIOT Act House-Senate conferees, and a clear majority of Senators by passing a six-month extension of the PATRIOT Act that contained none of the important civil liberties provisions carefully negotiated by House and Senate conferees.

The security of the American people should not be subordinated to the partisan brinkmanship of a minority of obstructionist Senators. It is imperative that the PATRIOT Act not be permitted to expire in order to ensure that our Nation’s law enforcement and intelligence communities are provided the statutory mandate necessary to detect and defeat terrorist threats.

Let me respond to assertions that the conference report does not strengthen the civil liberties provisions of the original PATRIOT Act.

Senator SCHUMER and others have said that we ought to “mend it, not end it.” Senator SCHUMER and others fail to recognize that conferees have already extensively mended it, and that further mending will have the effect of ending the vital antiterrorism provisions contained in this legislation and heighten the risk of future terrorist attack.

With respect to civil liberties enhancements, the PATRIOT Act conference report contains at least 30 additional civil liberties safeguards, many of which were requested by minority conferees. This conference report tightens the criteria necessary to obtain a multipoint wiretap, heightens reporting requirements of their use, increases safeguards for the use of delayed notice search warrants, imposes stringent requirements for the acquisition of business records under section 215 of the legislation, requires the approval of such orders from the FBI Director or other senior executive official if they pertain to library, medical, educational or other records, limits the scope of material obtained through these orders, and prohibits the dissemination of information obtained.

The conference report also requires that the DOJ Inspector General conduct two separate audits of the FBI’s use of section 215 orders that will examine: any noteworthy facts or circumstances relating to 215 orders, including any improper or illegal use of the authority; the manner in which such information is collected, retained, analyzed, and disseminated by the FBI; and an assessment of whether the minimization procedures protect the constitutional rights of United States persons.

Allows recipients of National Security Letters (NSLs) to consult with legal counsel and creates an explicit right to judicial review of NSL requests.

Permits a reviewing court to modify or set aside an NSL if compliance would be unreasonable, oppressive, or otherwise unlawful—this is the same standard used to modify or quash a subpoena in a criminal case.

Requires the DOJ Inspector General to conduct two comprehensive audits of the FBI’s use of NSLs and requires the Attorney Gen-

eral and the Director of National Intelligence to submit to Congress a report on the feasibility of applying minimization procedures to NSLs to ensure the protection of constitutional rights of U.S. persons.

Adds a new “sunshine” provision that requires annual public reporting on NSLs. Provides for expanded congressional access to significant FISA reporting currently provided to the Intelligence Committees.

Includes a provision requiring the FISA Court to submit its rules & procedures to Congress. Creates new reporting requirements for the use of emergency authorities under FISA. Requires new reporting on the use of emergency disclosures of communications information made under section 212 of the USA PATRIOT Act.

Requires the Department of Justice to submit a report to Congress on the Department’s data-mining activities.

As you can see from this list of changes, the conference report does more than just mend the PATRIOT Act, it overhauls it in important ways that a minority of Senators refuse to recognize.

In order to ensure that this vital antiterrorism legislation does not expire at the end of this month, I offer an amendment to the Senate-passed reauthorization that extends the PATRIOT Act until February 3, 2005. The PATRIOT Act has already been subject to the most exhaustive congressional consideration of any modern legislation. A five-week extension provides ample time for both bodies to again examine the legislation to ensure that it enhances the security of the American people while preserving our civil liberties. It will also ensure that the vital antiterrorism provisions contained in the Act do not expire as some in the other body have openly advocated.

I urge my colleagues to support this important legislation to renew the critical antiterrorism tools contained in the PATRIOT Act by supporting passage of this amendment to S. 2167.

Mr. STEARNS. Mr. Speaker, I was very disappointed to learn that the Senate voted to extend the PATRIOT Act for just six months, rather than making it permanent or at least extending key provisions for the next few years.

As everyone in the House and Senate knows, the provisions of the PATRIOT Act have been used against drug lords and mafia kingpins for years, it is common sense that we are allowed to use these same tools in the war on terror.

I am also chagrined to see that the bill that the Senate sent over does not contain any of the cargo theft or port security provisions that we passed overwhelmingly in this body.

Back in July, we passed the port security/cargo theft provisions onto the PATRIOT Act reauthorization by a remarkable 381–45 vote. These measures were so important that, even though the Senate did not include them in their version of the PATRIOT Act reauthorization, conferees from both the House and Senate decided to put these provisions in the final conference report.

From a personal perspective, the issue of cargo theft is one that I have worked on for two years. I will not rest until these cargo theft prevention measures have been signed into law by the president.

These cargo theft provisions would have gone a long way in helping law enforcement fight the widespread and costly crime.

But if we must delay further action for six more months, that is six more months where criminals can steal cargo and make billions. That is half a year of handicapping our law enforcement, hurting our businesses and passing the cost on to American consumers.

Mr. Speaker, I commend Chairman SENSENBRENNER for his tireless efforts providing oversight over the PATRIOT Act and working on reauthorizing this critical legislation, including by now extending the PATRIOT Act for just one month. This allows us to work on making these provisions permanent and on including the cargo theft measures as soon as possible.

I also commend Chairman COBLE, Mr. FORBES and Mr. SCHIFF, as well as all the law enforcement and industry groups that worked on the port security and cargo theft provisions.

I say to our fellow Americans and our law enforcement communities, that I will do everything that I can to make the PATRIOT Act permanent, and that I will not rest until we finally enact these cargo theft prevention measures into law.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, S. 2167, just passed.

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

There was no objection.

#### CORRECTING ENROLLMENT OF H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 74) making appropriation for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, more than a year ago when Mr. LEWIS was elected chairman of the Appropriations Committee, he came to me and asked if we could have an understanding that we would express our substantive differences, but still cooperate in moving bills forward in an orderly way once those differences were expressed. We did that.

Time and time again, the minority was denied the opportunity to offer different sets of priorities, priorities that did not offer huge tax cuts for those who have the most in society, paid for with cuts in education, health care,

and worker protection for those who have the least. Despite the fact that the rules of the House were used to block our efforts to obtain on-the-record votes on a number of our alternatives, Democrats continued to cooperate procedurally even as we made clear our differences on policy.

The Republican majority wanted to finish all of these bills by the end of the fiscal year, and we did not procedurally obstruct them, because while we differed strongly with the values that lie behind their budget priorities, we respected the fact that they are in the majority, and we respect and revere this institution. But because of internal divisions between the majority party, divisions within the House GOP caucus, and divisions between House and Senate Republicans, the fiscal year ended with the Labor-HHS bill and the Defense appropriations bill that represents 67 percent of the discretionary spending in our budget bill still being hung up in the legislative process.

Now in the closing days of this Congress, the Republican leadership has decided to use the must-pass Defense appropriations bill to force down the throats of the American people a number of wholly unrelated gifts to special interests. They decided to hold funds for our troops hostage in order to force Congress into removing protections against oil drilling in ANWR.

To make room for their tax giveaways, they even imposed a second round of cuts on education, health, worker protection, and even imposed a \$4 billion additional cut in military spending. Senate action yesterday has corrected one provision inserted in the bill by the abuse of power, the strong-arm attempts at drilling in ANWR, and for that I applaud the Senate. I led the opposition to ANWR's inclusion in the conference, and I am happy that the Congress was not blackmailed into accepting it.

But, frankly, Mr. Speaker, continuing under my reservation, ANWR was not the biggest problem with the conference report. The biggest problem is that it shortchanges our economic future by refusing to make adequate investments in education. And it cruelly neglects to strengthen support for programs that help provide critical health care services to people who desperately need them.

But we have lost that fight. This Congress has made the decision to cut critical health, education, worker protection, and social service funding by \$3 billion below last year's level. What I find so gutless about Congress' performance on this bill is that those cuts could not pass the Senate on a rollcall vote, so the majority party had to arrange for their Senators to duck this vote, thereby hiding from accountability by arranging for the bill to be passed through the Senate without a rollcall vote. That means the majority party has denied critical help to families most in need of help, but has not had the courage to forthrightly defend

their votes to the people affected in the public arena.

This bill makes that problem \$1.4 billion worse for those programs and because of the across-the-board cut, it makes other ill-advised cuts in critical funding for the FBI and local law enforcement, and it even cuts an additional \$4 billion out of the Defense bill. If I could do anything to change that, I would; but it is clear the die is cast.

Continuing under my reservation, Mr. Speaker, there is a second outrageous problem with this bill. The majority has turned the proposal to prepare for a flu pandemic into a giveaway to the pharmaceutical industry. When the President requested \$7 billion to begin a much-belated crash program to develop a new generation of vaccines and antiviral drugs to combat a potential flu pandemic, the Republican majority responded by cutting it in half. When I asked Senator STEVENS in conference why we shouldn't fund the rest of the administration's request so that it was clear that the government had a long-term commitment to the development of needed vaccines and antivirals, he responded that because liability protection language for manufacturers was not being adopted, long-range funding should be withheld.

The conference committee ended its work with the understanding, both verbal and in writing, that there would be no legislative liability protection language inserted in this bill. And because the majority told us it did not want any compensation program for victims to be applied against the discretionary portion of the budget, no funding was provided for that, either.

But after the conference was finished at 6 p.m., Senator FRIST marched over to the House side of the Capitol about 4 hours later and insisted that over 40 pages of legislation, which I have in my hand, 40 pages of legislation that had never been seen by conferees, be attached to the bill. The Speaker joined him in that assistance so that, without a vote of the conferees, that legislation was unilaterally and arrogantly inserted into the bill after the conference was over in a blatantly abusive power play by two of the most powerful men in Congress.

We then discovered that this language provided all sorts of insulation for pharmaceutical companies and that this insulation applied not just to drugs developed to deal with the flu but in fact applied to a far broader range of products. In essence, the provisions allowed the Secretary of HHS to issue a declaration that has the effect of almost completely prohibiting lawsuits in State or Federal courts by persons whose health was injured against manufacturers and various others for compensation for injuries caused by the use of covered countermeasures.

That determination would bar lawsuits against a wide range of covered persons involved with the countermeasures including manufacturers and



their suppliers, their distributors, State and local governments and their employees involved with the use of those countermeasures, medical personnel prescribing and administering the countermeasures, and so forth.

That is very broad power, indeed, to ban lawsuits. Unlike the language requested by the administration, the division E language is not limited to products to combat a flu pandemic. Rather, it applies to any drug, vaccine, medical device, or other products useful in dealing with anything the Secretary considers to constitute a health emergency or that could constitute an emergency in the future.

Although a rationale often offered for lawsuit protection is that it is needed to encourage manufacturers to develop and produce new treatments, the protections of division E are not limited to new or experimental products. Rather, nothing in the language would prevent the Secretary from providing protection against lawsuits to drugs that have been on the market for decades. Further, the language explicitly prohibits any judicial review in either Federal or State court of the Secretary's decisions to grant immunity from lawsuits.

If anyone believes that the power is being exercised too broadly, or even in violation of the law, they apparently would have no remedy other than asking the Secretary to change his mind or asking Congress to amend the law.

Although proponents point to provisions of this language that make an exception and allow lawsuits in cases of willful misconduct, that exception is so narrowly drawn as to be almost meaningless. First, the provision defines "willful misconduct" as acts taken intentionally to achieve a wrongful purpose, knowing there is no legal or factual justification, and in disregard of known or obvious great risk. Basically, Mr. Speaker, the only conduct that would permit a lawsuit under this definition is probably conduct so egregious as to be criminal in nature.

However, even this highly restrictive definition of "willful misconduct" doesn't seem to have been enough restriction on lawsuits to satisfy the authors of division E. They added yet another provision that allows the Secretary of HHS to promulgate regulations further narrowing the scope of actions that could give rise to a right to sue. Then there is yet another provision that says that if the conduct in question is regulated under the Food and Drug Act or Public Health Service Act, a lawsuit for willful misconduct can be brought only if the Federal Government has taken enforcement action against that conduct.

Finally, the language makes various changes to the normal rules of civil procedure to add further obstacles and difficulties in front of a potential plaintiff. In short, as a practical matter, there is virtually no right for anyone to sue about anything covered by a secretarial determination under this language.

In summary, the administration asked for some very broad liability protections for manufacturers and others involved with countermeasures against pandemic flu, and the administration's proposal was widely criticized as going too far. With division E of the Defense appropriations conference report, Congress would be providing even broader protection, potentially covering a wide range of drugs, vaccines, and devices far beyond what is needed to deal with flu. Further, this denial of the right to sue is more sweeping than provided in the case of childhood vaccines or in the case of smallpox vaccine. In the smallpox case, manufacturers were protected by basically substituting the Federal Government as defendant, with the scope of potential lawsuits against the Federal Government narrowed, but not eliminated.

Now, Mr. Speaker, I recognize that some sort of liability protection or indemnification is necessary and appropriate to encourage development and manufacture of some measures to deal with pandemic flu; and I would support such reasonable language, language that has been reviewed by a committee that knows what it is doing in a process that allows for public comments. But there are real doubts about whether it needs to be this broad. It is worth noting that Sanofi Pasteur, our only domestic flu vaccine manufacturer, has already signed contracts with the Federal Government to make avian flu vaccine and has already delivered some lots, rather than refusing to proceed until legislation like this is enacted. Similarly, Roche has been supplying Tamiflu for the national stockpile and actively seeking contracts to supply more.

The result of this legislative action was a provision in the pending bill that prevents anyone who is a victim of a faulty vaccine from being able to obtain compensation in the courts. It says, in effect, that if you become seriously ill because of mistakes in manufacturing that you lose your right to sue for compensation, but you can as an alternative seek compensation from the government. The problem is that no funds were provided, or no money was provided, for that fund. So anyone who gets sick would have to lobby Congress to put money in the fund before they can collect. Thus, people injured lose their right to sue, but are not guaranteed any alternative means of covering their medical bills, lost earnings, and other costs.

Mr. Speaker, the committee system was created years ago to ensure that, to protect the public interest, legislation would be carefully reviewed before it was placed before the body for consideration. But that protection was arbitrarily bypassed by the leadership in both Houses.

This is the second time that this Congress has supinely done the bidding of the pharmaceutical industry in the dead of night. The first time a vote was held open for 3 hours while the Repub-

lican majority twisted arms to create the complex and ridiculously confusing prescription drug bill that our seniors are now so desperately trying to understand, a bill that was ushered through this institution by over 600 lobbyists and that protected companies by preventing the government from even attempting to negotiate lower drug prices.

If I thought that denying unanimous consent on this bill would force the majority to eliminate that language, I would object. But, Mr. Speaker, it has also been made quite clear to me that the majority will not relent on the language that insulates drug companies. So, Mr. Speaker, I want it to be clear that the action to insert this special interest language in the bill is, in my view, a corruption of the legislative practices of the House.

When Congress returns in January, I intend to raise a question about the privileges of the House that are highlighted by this action because it has brought discredit to the House and should disturb every Member who serves here. No Member of Congress, no matter how powerful, should be able to unilaterally insist that provisions that were never discussed and never debated in the conference should wind up being slipped into that conference report without a vote of that same conference.

This is what happens when there are no checks and balances and when one party controls the White House, the Senate, and the House and respects no limits on its own use of power. We have been placed in this position because the House Republican leadership has sent Members home for the Christmas holidays with the message to the Senate that we would not be here even if the Senate changed the legislation the House sent. That was irresponsible, and the country will pay the price. This institution, unfortunately, will also pay a price in terms of diminished respect from the people we were elected to represent.

This is a shameful and shabby way to end the worst session of Congress I have experienced in my 36 years in this House. So, Mr. Speaker, I most reluctantly withdraw my reservation, because lodging an objection at this point would simply delay the shameful inevitable.

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

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, further reserving the right to object, last week as American soldiers continued to bravely wage the war on terror in Iraq and Afghanistan, the House of Representatives passed a Defense appropriations bill containing a nongermane provision, language that would open up the Arctic National Wildlife Refuge to exploration. The agreement to include ANWR in the Defense appropriation turned what was essentially a bipartisan bill into a fight on the floor of both legislative bodies,

placing at risk the timely funding of our troops. Defense appropriations bills are historically the most protected type of legislation considered by the United States Congress. The Defense bill is usually the first piece of appropriations legislation passed by the House and Senate, and its language is kept clean from unnecessary and non-germane add-ons and amendments. That is why the addition of ANWR was so surprising to so many Members.

Prior to the vote earlier this week, I wrote a letter to the Rules Committee chairman expressing in the strongest terms possible my opposition and disappointment at the decision to place ANWR in the bill before the House. Mr. Speaker, I was not alone in my concern. Prior to Senate debate on the House-approved Defense bill, a group of high-ranking officers, including General Anthony Zinni, United States Marine Corps, sent a letter stating their concern over ANWR's inclusion in the legislation.

They wrote, and I quote: "With 160,000 troops fighting in Iraq, another 18,000 in Afghanistan and tens of thousands more around the world defending this country, Congress must finish its work and provide them the resources they need to do their job. We believe that any effort to attach controversial legislative language authorizing drilling in the Arctic National Wildlife Refuge to the Defense appropriations conference report will jeopardize Congress's ability to provide our troops and their families the resources they need in a timely fashion."

They continued, saying that "the passion and energy of the debate about drilling in ANWR is well known, and a testament to vibrant debate in our democracy. But it is not helpful to attach such a controversial nondefense legislative issue to a Defense appropriations bill. It only invites delay for our troops as Congress debates an important, but controversial, nondefense issue on a vital bill providing critical funding for our Nation's security."

As I speak, our brave men and women in the Armed Forces are serving in every corner of the globe. The work our servicemen and -women do each day will create a safer world, a world where liberty and democracy will take root in regions of the world untouched by freedom and choice. Our military deserves our support and the best equipment, training, armament, and reward our government can offer them. That is why I am here today, to lend my strong support to the legislation. The Senate made the right choice yesterday to strip this bill of unnecessary ornaments. ANWR does not belong in the Defense bill, and I am proud to support the Senate version without it.

The Defense appropriation bill being considered by the House today is a good bill. It will enable our troops to stand down as Iraqi security forces stand up. This legislation provides \$403.5 billion for our troops during this transition, equipping them with \$8 bil-

lion to replace damaged equipment, \$1.2 billion for force protection, and \$500 million to train new security forces in Iraq and in Afghanistan. Also, this legislation provides an essential 3.1 percent military pay increase for our soldiers effective January 1, 2006. This legislation honors our military and is deserving of all of our support.

As good as this legislation is, Congress must remain vigilant in our responsibility to support our troops. The Associated Press recently ran an article questioning the amount of money needed to address emergency combat operations in Iraq and Afghanistan. The article reported that the military informally indicated to the House Armed Services Committee that they would need an additional 80 to \$100 billion to fund operations in Iraq and Afghanistan. This request is made in addition to the \$50 billion appropriated through the Defense bill. This request is still being drafted by the Department of Defense and will most likely come to the floor as an additional spending package after we return next year.

I call on my colleagues to support this additional funding when it arrives in the House. We cannot afford to leave our military unprotected and underfunded, especially at this important time in our Nation's history.

Next week, Mr. Speaker, I will travel to Iraq to see the progress the Iraqi security forces are making to take the fight to the insurgents and to take their nation's future into their own hands. I will also visit our troops to give them our thanks from a grateful Nation for the work that they are doing to fight the terrorists, to secure the nation and pave the way for a new and vibrant democracy in Iraq. Our troops must have a clear understanding that our support for them is unwavering. The American people must know that our support for our Armed Forces is strong. That is why this legislation must pass clean, devoid of any needless add-ons. I call on my colleagues to support the legislation and pass the Defense appropriation bill.

With that, Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 74

*Resolved by the Senate (the House of Representatives concurring).* That, in the enrollment of the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

Strike Division C, the American Energy Independence and Security Act of 2005 and Division D, the Distribution of Revenues and Disaster Assistance.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO MONDAY, DECEMBER 26, 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today pursuant to this order, it adjourn to meet at 11 a.m. on Monday, December 26, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 326, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

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

There was no objection.

OMISSION FROM THE CONGRESSIONAL RECORD OF SUNDAY, DECEMBER 18, 2005 (BOOK II) AT PAGE H12641

#### CHAPTER 7

#### DEPARTMENT OF TRANSPORTATION

#### FEDERAL HIGHWAY ADMINISTRATION

#### FEDERAL-AID HIGHWAYS

#### (HIGHWAY TRUST FUND)

#### (RESCISSION)

The conference agreement includes a rescission of \$1,143,000,000 of the unobligated balances of funds apportioned to the States under chapter 1 of title 23, United States Code, excluding safety programs and funds set aside within the State for population areas. The conferees direct the Federal Highway Administration to administer the rescission by allowing each State maximum flexibility in making adjustments among the apportioned highway programs.

#### FEDERAL RAILROAD ADMINISTRATION

#### EFFICIENCY INCENTIVE GRANTS TO THE

#### NATIONAL RAILROAD PASSENGER CORPORATION

#### (RESCISSION)

The conference agreement rescinds \$8,300,000 from Efficiency Incentive Grants to the National Railroad Passenger Corporation and repeals section 135 of Division A of Public Law 109-115.

#### CHAPTER 8

#### GOVERNMENT-WIDE RESCISSIONS

The conference agreement includes a 1 percent across-the-board rescission to discretionary budgetary resources provided in fiscal year 2006 regular appropriations Acts, as well as to any previously enacted fiscal year 2006 advance appropriation and to any contract authority subject to limitation. The rescission does not apply to the Department of Veterans Affairs or spending designated as an emergency requirement.

#### TITLE IV—HURRICANE EDUCATION RECOVERY ACT

#### SUBTITLE A—ELEMENTARY AND SECONDARY EDUCATION HURRICANE RELIEF

The conference agreement includes language that authorizes assistance to elementary and secondary students and schools impacted by the hurricanes in the Gulf of Mexico in calendar year 2005. Funding to carry out this authority is included in chapter 6 of title 1.

#### SUBTITLE B—HIGHER EDUCATION HURRICANE RELIEF

The conference agreement includes temporary waivers to and modifications of certain higher education act requirements in order to provide flexibility to and ease financial burdens on postsecondary students and institutions impacted by the hurricanes in the Gulf of Mexico in calendar year 2005.

SUBTITLE C—EDUCATION AND RELATED PROGRAMS HURRICANE RELIEF

The conference agreement includes language to extend certain deadlines of the individuals with disabilities education act and waivers relating to Head Start and the Child Care and Development Block Grant. This language is included to facilitate assistance related to the hurricanes in the Gulf of Mexico in calendar year 2005.

TITLE V—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

The conference agreement includes a provision relating to the availability of funds.

The conference agreement includes a provision relating to any reference to “this Act”.

The conference agreement includes a provision removing the authority to make further transfers to or from the Emergency Response Fund.

The conference agreement includes a technical correction regarding funds appropriated to the Cooperative State Research Education and Extension Service.

The conference agreement includes a technical correction to the Energy and Water Development Appropriations Act, 2005, relating to the Animas-La Plata project.

The conference agreement includes a technical correction to the Energy and Water Development Appropriations Act, 2006, relating to the San Gabriel Basin Restoration Fund.

The conference agreement includes a technical correction to the Energy and Water Development Appropriations Act, 2006, relating to the Placer County, California, wastewater treatment project.

The conference agreement includes a technical correction to the Energy and Water Development Appropriations Act, 2006, relating to the Central New Mexico Project.

The conference agreement includes a provision correcting an enrollment error in the Energy and Water Development Appropriations Act, 2006, relating to a Hurricane Protection Study in Louisiana.

The conference agreement includes a technical correction to the Energy and Water Development Appropriations Act, 2006, related to the Western Area Power Administration.

The conference agreement includes a general provision making \$50,000,000 available to the New York State Uninsured Employers Fund and \$75,000,000 to the Centers for Disease Control and Prevention for purposes related to the September 11, 2001 terrorist attacks. These funds replace \$125,000,000 included in the supplemental appropriations for New York State made following the September 11th attacks that were unable to be spent for administering worker compensation claims and were rescinded in the regular FY 2006 Labor-HHS-Education Appropriations Act.

The conference agreement includes language that amends the Flexibility for Displaced Workers Act (Public Law 109-72) to strike “Hurricane Katrina” and insert “hurricanes in the Gulf of Mexico in calendar year 2005” each place it appears.

The conference agreement includes a provision that amends section 124 of Public Law 109-114.

The conference agreement includes a provision that amends section 128 of Public Law 109-114.

The conference agreement includes a provision that makes a technical correction to a military construction project in Public Law 109-114.

The conference agreement includes a provision that makes a technical correction to the short title of Public Law 109-114.

The conference agreement makes technical corrections to the capital investment grants listed in Public Law 109-115.

The conference agreement clarifies activities that are subject to section 205 of division A of Public Law 109-115.

The conference agreement makes a technical correction to an economic development grant in Public Law 108-447.

The conference agreement makes technical corrections to economic development grants in Public Law 109-115.

The conference agreement makes technical corrections to an economic development grant in Public Law 108-447.

The conference agreement precludes the funds appropriated to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks from being transferred to or from the Emergency Response Fund.

CONFERENCE TOTAL—WITH COMPARISON

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference and comparisons to the 2006 budget estimates for 2006 follow:

|  |            |
|--|------------|
| [In thousands of dollars]  |            |
| Budget estimates of new (obligational) authority, fiscal year 2006       | 4,825,347  |
| Conference agreement, fiscal year 2006                                   | -618,007   |
| Conference agreement compared with:                                      |            |
| Budget estimates of new (obligational) authority, fiscal year 2006 ..... | -5,443,354 |

DIVISION C—AMERICAN ENERGY INDEPENDENCE AND SECURITY

The conference report includes division C concerning the lease of lands for oil and gas exploration and production within a defined area of the Arctic National Wildlife Refuge.

DIVISION D—DISTRIBUTION OF REVENUES AND DISASTER ASSISTANCE

The conference report includes division D, which provides for the distribution of revenues derived from bonus, rental, and royalty receipts from federal oil and gas leasing and operations within the Arctic National Wildlife Refuge and from receipts derived from the Digital Television Transition and Public Safety Fund.

DIVISION E

The conference agreement includes as division E the “Public Readiness and Emergency Preparedness Act”.

BILL YOUNG,  
DAVID HOBSON,  
HENRY BONILLA,  
R.P. FRELINGHUYSEN,  
TODD TIAHRT,  
ROGER F. WICKER,  
JACK KINGSTON,  
KAY GRANGER,  
JAMES T. WALSH,  
ROBERT B. ADERHOLT,  
JERRY LEWIS,  
JOHN P. MURTHA,  
NORMAN D. DICKS

(Except for Division C as to ANWR),

MARTIN OLAV SABO  
(Except for 1% cut in Division B and Division C),

PETER J. VISLOSKEY  
(Except for Division C and Division B as to 1% cut and avian flu section),

JAMES P. MORAN  
(Except for Division B and Division C as to 1% cut, avian flu and ANWR provision),

MARCY KAPTUR  
(Except for ANWR provision and Division B and Division C as to 1% cuts and avian flu),

CHET EDWARDS  
(Except for 1% cut),

DAVID R. OBNEY  
(Except for Division C, Division B as to 1% cut and avian flu),

Managers on the Part of the House.

TED STEVENS,  
THAD COCHRAN,  
ARLEN SPECTER,  
PETE V. DOMENICI,  
KIT BOND,  
MITCH MCCONNELL,  
RICHARD C. SHELBY,  
JUDD GREGG,  
KAY BAILEY HUTCHISON,  
CONRAD BURNS.

CORRECTION TO THE CONGRESSIONAL RECORD OF SUNDAY, DECEMBER 18, 2005, AT PAGE H12232

The previous vote referenced by Mr. COLE of Oklahoma may be found in the daily RECORD of April 20, 2005, on page H2379.

CORRECTION TO THE CONGRESSIONAL RECORD OF SUNDAY, DECEMBER 18, 2005, (BOOK II) AT PAGE H12337

JOHN P. MURTHA,  
NORMAN D. DICKS  
(Except for Division C as to ANWR),

MARTIN OLAV SABO  
(Except for 1% cut in Division B and Division C),

PETER J. VISLOSKEY  
(Except for Division C and Division B as to 1% cut and avian flu section),

JAMES P. MORAN  
(Except for Division B and Division C as to 1% cut, avian flu, and ANWR provision),

MARCY KAPTUR  
(Except for ANWR provision and Division B and Division C as to 1% cut and avian flu),

CHET EDWARDS  
(Except for 1% cut).

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the following titles:

September 8, 2005:

H.R. 3673. An Act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

September 9, 2005:

H.R. 3650. An Act to allow United States courts to conduct business during emergency conditions, and for other purposes.



September 20, 2005:

H.R. 804. An Act to exclude from consideration as income certain payments under the national flood insurance program.

H.R. 3669. An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

September 21, 2005:

H.R. 3169. An Act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

H.R. 3668. An Act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

H.R. 3672. An Act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

September 23, 2005:

H.R. 3761. An Act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

H.R. 3768. An Act to provide emergency tax relief for persons affected by Hurricane Katrina.

September 29, 2005:

H.R. 3649. An Act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

September 30, 2005:

H.R. 2132. An Act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 2385. An Act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 3200. An Act to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

H.R. 3784. An Act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 3864. An Act to provide vocational rehabilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita.

H.J. Res. 68. A joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes.

October 4, 2005:

H.R. 3667. An Act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station".

H.R. 3767. An Act to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building".

October 7, 2005:

H.R. 3863. An Act to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster.

October 18, 2005:

H.R. 2360. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

October 20, 2005:

H.R. 3971. An Act to provide assistance to individuals and States affected by Hurricane Katrina.

November 8, 2005:

H.R. 1409. An Act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

November 10, 2005:

H.R. 2744. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

November 11, 2005:

H.R. 2967. An Act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

H.R. 3765. An Act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

November 14, 2005:

H.R. 3057. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

November 19, 2005:

H.R. 2419. An Act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 4326. An Act to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).

H.J. Res. 72. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

November 21, 2005:

H.R. 4133. An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

November 22, 2005:

H.R. 2490. An Act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".

H.R. 2862. An Act making appropriations for the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3339. An Act to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the "James T. Malloy Post Office Building".

November 30, 2005:

H.R. 2528. An Act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3058. An Act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

December 1, 2005:

H.R. 126. An Act to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 539. An Act to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System.

H.R. 606. An Act to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

H.R. 1972. An Act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

H.R. 1973. An Act to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

H.R. 2062. An Act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building".

H.R. 2183. An Act to designate the facility of the United States Postal Service located at 567 Thompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office".

H.R. 3853. An Act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

H.R. 4145. An Act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

December 7, 2005:

H.R. 584. An Act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

H.R. 680. An Act to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 1101. An Act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

December 18, 2005:

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

December 20, 2005:

H.R. 2520. An Act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

## SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the Senate of the following titles:

September 21, 2005:

S. 252. An Act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

S. 264. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

S. 276. An Act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

September 29, 2005:

S. 1340. An Act to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

S. 1368. An Act to extend the existence of the Parole Commission, and for other purposes.

September 30, 2005:

S. 1752. An Act to amend the United States Grain Standards Act to reauthorize that Act. October 7, 2005:

S. 1786. An Act to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

S. 1858. An Act to provide for community disaster loans.

October 13, 2005:

S. 1413. An Act to redesignate the Crowne Plaza in Kingston, Jamaica, as the Colin L. Powell Residential Plaza.

October 26, 2005:

S. 55. An Act to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

S. 156. An Act to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

S. 397. An Act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others. November 9, 2005:

S. 172. An Act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes. November 11, 2005:

S. 37. An Act to extend the special postage stamp for breast cancer research for 2 years.

S. 1285. An Act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

November 22, 2005:

S. 161. An Act to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership.

S. 1234. An Act to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 1713. An Act to make amendments to the Iran Nonproliferation Act to 2000 related to International Space Station payments, and for other purposes.

S. 1894. An Act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies. December 20, 2005:

S. 52. An Act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

S. 136. An Act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

S. 212. An Act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

S. 279. An Act to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

S. 1886. An Act to authorize the transfer of naval vessels to certain foreign recipients.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 119. An act to provide for the protection of unaccompanied alien children, and for other purposes, to the Committee on the Judiciary.

S. 716. An act to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

S. 1182. An act to amend title 38, United States Code, to improve health care for veterans, and for other purposes, to the Committee on Veterans Affairs.

S. 1184. An act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member; to the Committee on International Relations.

## SENATE ENROLLED BILLS SIGNED

THE SPEAKER pro tempore, Mr. WOLFF, announced his signature to enrolled bills of the Senate of the following titles:

S. 205. An act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 652. An act to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

S. 1238. An act to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

S. 1281. An act to authorize the programs of the National Aeronautics and Space Administration.

S. 1310. An act to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

S. 1481. An act to amend the Indian Land Consolidation act to provide for probate reform.

S. 1892. An act to amend Public Law 107-153 to modify a certain date.

S. 1988. An act to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

## BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on December 17, 2005, she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 75. Making further continuing appropriations for the fiscal year 2006, and for other purposes.

H.R. 327. To allow binding arbitration clauses to be included in all contracts affect-

ing land within the Gila River Indian Community Reservation.

H.R. 4324. To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

H.R. 4436. To provide certain authorities for the Department of State, and for other purposes.

Karen L. Haas, Clerk of the House, also reports that on December 20, 2005, she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 38. Recognizing Commodore John Barry as the first flag officer of the United States Navy.

H.R. 358. To require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

H.R. 797. To amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

H.R. 2520. To provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

H.R. 3963. To amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

H.R. 4195. To authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.

H.R. 4440. To amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

H.R. 4508. To commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

## SINE DIE ADJOURNMENT

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 11 a.m. on Monday, December 26, 2005, unless it sooner has received a message or messages from the Senate transmitting its adoption of House Concurrent Resolution 326, in which case the House shall stand adjourned sine die pursuant to House Concurrent Resolution 326.

Thereupon (at 4 o'clock and 36 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 11 a.m. on Monday, December 26, 2005, unless it sooner has received a message or messages from the Senate transmitting its adoption of House Concurrent Resolution 326, in which case the House shall stand adjourned sine die pursuant to House Concurrent Resolution 326.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5911. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2005-0292; FRL-7749-4] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5912. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dichlorid; Extension of Time-Limited Pesticide Tolerance [EPA-HQ-OPP-2005-0477; FRL-7753-9] received December 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5913. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of September 30, 2005, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

5914. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Simplification of the Grant Appeals Process (RIN: 0906-AA69) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5915. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline to California Phase 3 Gasoline [OAR-2003-0217; FRL-8011-4] (RIN: 2060-AK04) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5916. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's "Major" final rule — National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule [EPA-HQ-OW-2002-0039; FRL-8013-1] (RIN: 2040-AD37) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5917. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emissions Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [OAR-2003-0178; FRL-8011-6] (RIN: 2060-AM72) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5918. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters: Reconsideration [OAR-2002-058; FRL-8011-5] (RIN: 2060-AM97) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5919. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [FRL-8012-

4] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5920. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; Nitrogen Oxides Budget and Allowance Trading Program, Phase II [R04-OAR-2005-TN-0005-200522(a); FRL-8015-2] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5921. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee and Nashville-Davidson County; Approval of Revisions to the State Implementation Plan [R04-OAR-2005-TN-0004-200526(a); FRL-8014-6] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5922. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama; Nitrogen Oxides Budget and Allowance Trading Program, Phase II [R04-OAR-2005-AL-0001-200520(a); FRL-8014-9] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5923. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Shenandoah National Park Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan [EPA-R03-OAR-2005-VA-0013; FRL-8012-3] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5924. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the City of Fredericksburg, Spotsylvania County, and Stafford County Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan [EPA-R03-OAR-2005-VA-0007; FRL-8012-2] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5925. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Emergency Episode Avoidance Plan; Direct Final Rule [EPA-R08-OAR-2005-MT-0002, FRL-8012-8] received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5926. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for States of Arizona, California, Hawaii, and Nevada [AZ, CA, HI, NV-075-NSPS; FRL-7013-4] received December 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5927. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Tennessee; Redesignation of the Mont-

gomery County, Tennessee Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainment Area to Attainment; Correction [R04-OAR-2005-TN-0007-200536; FRL-8014-3] received December 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5928. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's "Major" final rule — National Primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection Byproducts Rule [EPA-HQ-OW-2002-0043; FRL-8012-1] (RIN: 2040-AD38) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5929. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Fruit Cove and St. Augustine, Florida) [MB Docket No. 05-244, RM-11257] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5930. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Victoria, George West, and Three Rivers, Texas) [MB Docket No. 03-56, RM-10662, RM-10775] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5931. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Grand Portage, Minnesota) [MB Docket No. 04-339, RM-11060] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5932. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (LaGrange, Greenville and Waverly Hall, Georgia) [MB Docket No. 03-233, RM-10813] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5933. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Caseville and Pigeon, Michigan) [MM Docket No. 01-229] (Harbor Beach and Lexington, Michigan) [MM Docket No. 01-231] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5934. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Holdenville and Pauls Valley, Oklahoma) [MM Docket No. 01-180, RM-10200, RM-11018] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5935. A letter from the Legal Advisor/Chief, WTB, Federal Communications Commission, transmitting the Commission's "Major" final rule — Amendment of Part 22 of the Rules To Benefit the Consumers of Air-Ground Telecommunications Services [Docket No. 03-103] Amendment of Parts 1 and 22 of the Rules To Adopt Competitive Bidding Rules for Commercial and General Aviation Air-Ground Radiotelephone Service [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 December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5936. A letter from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Emergency Alert System [EB Docket No. 04-296] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5937. A letter from the Secretary, Department of the Interior, transmitting the semi-annual report on the activities of the Office of Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5938. A letter from the Assistant Secretary, Land Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulfur Operations on the Outer Continental Shelf (OCS) — Suspension of Operations (SOO) for Ultra-deep Drilling (RIN: 1010-AD09) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5939. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Procedures for Designating Classes of Employees as Members of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000, Amendments — received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, and -800 Series Airplanes [Docket No. FAA-2005-23176; Directorate Identifier 2005-NM-220-AD; Amendment 39-14396; AD 2005-25-03] (RIN: 2120-AA64) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5941. A letter from the Paralegal, FTA, Department of Transportation, transmitting the Department's final rule — Organization, Functions, and Procedures [Docket FTA-2005-22705] (RIN: 2132-AA79) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5942. A letter from the Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Technical Amendments to Standards for Development and Use of Processor-Based Signal and Train Control Systems; Correction [Docket No. FRA-2001-10160] (RIN: 2130-AA94) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5943. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Revision of Method for Calculating Monetary Threshold for Reporting Rail Equipment Accidents/Incidents; Announcement of Reporting Threshold for Calendar Year 2006 [FRA-2005-20680, Notice No. 2] (RIN: 2130-AB65) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5944. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Track Standards; Inspection of Joints in Continuous Welded Rail (CWR) [Docket No. FRA 2005-22522] (RIN: 2130-AB71) received December 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5945. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Transition Relief for Certain Partnerships and Other Pass-Thru Entities [Notice 2006-2] received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5946. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transfer to Corporation Controlled by Transferor (Rev. Rul. 2006-2) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5947. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1374 Effective Dates [TD 9236] (RIN: 1545-BD95) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5948. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Obligations of States and Political Subdivisions [TD 9234] (RIN: 1545-AU98) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5949. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Acceptance Agent Revenue Procedure (Rev. Proc. 2006-10) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5950. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2005-79) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5951. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Definition of Regulated Investment Company (Rev. Rul. 2006-1) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5952. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-4) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5953. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Business entities; definitions (Rev. Rul. 2006-3) received December 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5954. A letter from the Acting Chief, Publications and Regulations Branch, Internal

Revenue Service, transmitting the Service's final rule — Allocation of income and deductions among taxpayers (Rev. Proc. 2006-9) received December 22, 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:

*[Filed on December 22, 2005]*

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4438. A bill to establish special rules with respect to certain disaster assistance provided for Hurricane Katrina and Hurricane Rita (Rept. 109-364). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 4647. A bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of such Act; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), 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. FOSSELLA:

H.R. 4648. A bill to prohibit assistance to Lebanon unless the Government of Lebanon extradites Mohammed Ali Hammadi to the United States; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 4649. A bill to authorize the Secretary of Education to provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, Rita, or Wilma; to the Committee on Education and the Workforce.

By Mr. DUNCAN (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. BOUSTANY, Mr. BAKER, and Mr. MELANCON):

H.R. 4650. A bill to direct the Secretary of the Army to carry out programs and activities to enhance the safety of levees in the United States; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY:

H.R. 4651. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration

of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 4652. A bill to provide Medicare beneficiaries with access to prescription drugs at Federal Supply Schedule prices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN:

H.R. 4653. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself and Mr. LANTOS):

H. Con. Res. 329. Concurrent resolution expressing the sense of Congress regarding the activities of Islamist terrorist organizations in the Western Hemisphere; to the Committee on International Relations.

By Mrs. TAUSCHER (for herself and Mr. CONYERS):

H. Con. Res. 330. Concurrent resolution expressing the concern of Congress that the President's 2002 order authorizing electronic surveillance of United States persons without a warrant violates existing law prohibiting such electronic surveillance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), 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. CONYERS (for himself, Mr. BERMAN, Mr. BOUCHER, Mr. NADLER, Mr. SCOTT of Virginia, Ms. ZOE LOFGREN of California, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. McDERMOTT, Mr. FILNER, Mr. MARKEY, Ms. SCHAKOWSKY, Ms. LEE, Mrs. TAUSCHER, Ms. MCCOLLUM of Minnesota, Mr. UDALL of New Mexico, and Mr. HOLT):

H. Res. 643. A resolution directing the Attorney General to submit to the House of Representatives all documents in the possession of the Attorney General relating to warrantless electronic surveillance of telephone conversations and electronic communications of persons in the United States conducted by the National Security Agency; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H. Res. 644. A resolution requesting the President and directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the authorization of electronic surveillance of citizens of the United States without

court approved warrants; to the Committee on the Judiciary.

By Mr. WEXLER:

H. Res. 645. A resolution requesting the President and directing the Secretary of Defense to transmit to the House of Representatives all information in the possession of the President or the Secretary of Defense relating to the collection of intelligence information pertaining to persons inside the United States without obtaining court-ordered warrants authorizing the collection of such information and relating to the policy of the United States with respect to the gathering of counterterrorism intelligence within the United States; to the Committee on Armed Services.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 267: Mr. STEARNS.  
 H.R. 283: Mr. WYNN.  
 H.R. 333: Mr. EVANS.  
 H.R. 752: Mr. HOLDEN and Mr. NADLER.  
 H.R. 780: Mr. STRICKLAND.  
 H.R. 925: Mr. CAMPBELL of California.  
 H.R. 1106: Mr. FILNER and Mr. THOMPSON of California.  
 H.R. 1562: Mr. ENGLISH of Pennsylvania.  
 H.R. 1696: Mr. SHAYS.  
 H.R. 2231: Mr. TOM DAVIS of Virginia.  
 H.R. 2327: Mr. MEEHAN.  
 H.R. 2345: Mr. PASTOR and Mr. WAXMAN.  
 H.R. 2470: Mr. ENGLISH of Pennsylvania and Mr. McCOTTER.  
 H.R. 2533: Mr. DANIEL E. LUNGREN of California.  
 H.R. 2717: Mr. SOUDER.  
 H.R. 3006: Ms. Moore of Wisconsin and Mr. HOYER.  
 H.R. 3254: Mr. TOWNS and Ms. SOLIS.  
 H.R. 3697: Mr. ANDREWS.  
 H.R. 3936: Mr. SCHIFF.  
 H.R. 4033: Mrs. KELLY.  
 H.R. 4042: Mr. BOOZMAN.  
 H.R. 4081: Mr. SENSENBRENNER.  
 H.R. 4173: Mr. TOWNS.  
 H.R. 4217: Ms. GRANGER and Mr. SENSENBRENNER.  
 H.R. 4229: Mr. VAN HOLLEN.  
 H.R. 4272: Mr. THOMPSON of California.  
 H.R. 4424: Mr. CUELLAR.  
 H.R. 4447: Ms. SOLIS and Mr. RANGEL.  
 H.R. 4460: Mr. ENGLISH of Pennsylvania.  
 H.R. 4492: Mr. RANGEL.  
 H.R. 4506: Mr. AL GREEN of Texas, Mrs. LOWEY, and Mr. KENNEDY of Rhode Island.  
 H.R. 4507: Ms. WASSERMAN SCHULTZ.  
 H.R. 4540: Mr. BAIRD and Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 4629: Mr. SNYDER.  
 H.R. 4641: Mr. DOOLITTLE.  
 H. Con. Res. 10: Mrs. TAUSCHER.  
 H. Con. Res. 137: Mr. ROYCE.  
 H. Con. Res. 282: Ms. SCHAKOWSKY.  
 H. Con. Res. 296: Ms. ZOE LOFGREN of California, Mr. SMITH of New Jersey, Ms. DELAURO, Ms. WOOLSEY, Mr. MENENDEZ, Mr. LEWIS of Georgia, and Mr. MILLER of North Carolina.

H. Con. Res. 314: Mr. ETHERIDGE and Mr. GEORGE MILLER of California.

H. Con. Res. 317: Mr. BLUMENAUER, Mr. SERRANO, and Mr. MCGOVERN.

H. Res. 605: Mr. ENGLISH of Pennsylvania.

H. Res. 635: Ms. WATERS, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mrs. CAPPS, and Mr. PAYNE.

H. Res. 636: Ms. WATERS, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, and Mr. RANGEL.

H. Res. 637: Ms. WATERS, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, Mr. RANGEL, and Ms. JACKSON-LEE of Texas.

H. Res. 641: Mr. THOMPSON of Mississippi, Mr. MARKEY, and Mr. CONYERS.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

101. The SPEAKER presented a petition of the citizens of the town of Norman, Oklahoma and the citizens of the town of Blanchard, Oklahoma, relative to a petition encouraging the Congress of the United States to insist on an exit strategy from Iraq with a timeline; to the Committee on International Relations.

102. Also, a petition of the Canadian House of Commons, relative to a resolution encouraging the Congress of the United States to reject any initiative which would require Canadian or American citizens to present their passports when crossing the border; to the Committee on the Judiciary.

103. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 554 requesting the Congress of the United States pass S.1060 and H.R.414, A Bill To Amend The Internal Revenue Code Of 1986 To Allow A Credit Against Income Tax For The Purchase Of Hearing Aids; to the Committee on Ways and Means.

#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4 by Ms. SLAUGHTER on House Resolution 460: Brad Sherman.

Petition 5 by Mr. WAXMAN on House Resolution 537: Brad Sherman.

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Michael H. Michaud, Ike Skelton, and Carolyn McCarthy.

Petition 8 by Mr. WAXMAN on House Resolution 570: Brad Sherman.

Petition 9 by Mr. BOSWELL on House Resolution 584: Gene Green, Neil Abercrombie, Michael H. Michaud, Rick Larsen, and Carolyn McCarthy.

Petition 10 by Ms. HERSETH on House Resolution 585: Gene Green, Brad Sherman, Neil Abercrombie, Michael H. Michaud, Rick Larsen, and Carolyn McCarthy.





United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, THURSDAY, DECEMBER 22, 2005

No. 168

## Senate

The Senate met at 8 p.m. and was called to order by the Honorable JOHN WARNER, a Senator from the State of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Spirit of Holiness, we thank You for the joyous gift of the holidays that are beyond price. For friends who grow dearer through the passing years, for the homes we call our own, for loyal

devotion and patient understanding, for all these we lift our voices in praise.

Lord, as we observe the traditions and keep the customs of this season, make us thankful and keep us humble. Keep us mindful of our many spiritual blessings so we will not forget the reason for this season. Give us eyes to see Your stars and ears to hear the song of the angels.

Bless our Senators with generous hearts. Let the kindly holiday spirit penetrate all our deeds in the days to

come. We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN WARNER 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.

### NOTICE

If the 109th Congress, 1st Session, adjourns sine die on or before December 22, 2005, a final issue of the Congressional Record for the 109th Congress, 1st Session, will be published on Friday, December 30, 2005, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 29. The final issue will be dated Friday, December 30, 2005, and will be delivered on Tuesday, January 3, 2006. Both offices will be closed Monday, December 26, 2005.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman*.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S14423

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, December 22, 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 WARNER, a Senator from the State of Virginia, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. WARNER thereupon assumed the Chair as Acting President pro tempore.

USA PATRIOT ACT

The ACTING PRESIDENT pro tempore. In my capacity as the senior Senator from Virginia, I ask unanimous consent that the Chair now lay before the Senate the House message to accompany S. 2167.

The legislative clerk read as follows:  
S. 2167

*Resolved*, That the bill from the Senate (S. 2167) entitled "An Act to amend the USA PATRIOT ACT to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006", do pass with the following amendment:

(1) Page 2, line 10 of the Senate engrossed bill, strike out [July 1, 2006] and insert: *February 3, 2006*.

The ACTING PRESIDENT pro tempore. I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table.

Without objection, it is so ordered.

EXTENSION OF SIGNING AND  
APPOINTMENT AUTHORITIES

The ACTING PRESIDENT pro tempore. In my capacity as the senior Senator from Virginia, I now ask unanimous consent that all applicable signing and appointment authorities be extended through the adjournment of the Senate, and that the senior Senator from Virginia be authorized to sign duly enrolled bills and joint resolutions.

Without objection, it is so ordered.

PRINTING OF S. 1783

The ACTING PRESIDENT pro tempore. In my capacity as the senior Senator from Virginia, I ask unanimous consent that the text of S. 1783, as passed by the Senate be printed.

Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AP-  
PROPRIATIONS CONFERENCE RE-  
PORT

Mr. REID. Mr. President, last night we passed the Department of Defense

Appropriations Conference Report. We all know how important that bill is to our country and our troops. Prior to passing that bill, we were successful in removing provisions to allow drilling in the Arctic National Wildlife Refuge. Those provisions had no place in that bill.

As was noted on the floor last night, there were other provisions that did not belong in the conference report. They were not included in the House- or Senate-passed bills. They were not at all related to the Department of Defense's appropriations. In fact, conferees had been assured that these provisions would not be included at all.

But Republican leaders swept in and declared that they would be included, in violation of promises and the rules. And that is not the worst part. The provisions themselves bestow on drug companies sweeping immunity from the consequences of reckless wrongdoing. It was the Republican leadership's big Christmas present to their friends in the drug industry.

This immunity extends to all aspects of the development and production of drugs or vaccines so long as they are used to prevent, treat, or diagnose what the administration declares an "epidemic." Republican leaders have insisted that these provisions are about preparing for pandemic flu or bioterrorist attack. They are exploiting our fears to go well beyond that.

What is an "epidemic"? Secretary Leavitt recently said obesity is an "epidemic." Many have said diabetes, heart disease, and methamphetamine addiction are epidemics. And it gets worse. The provisions also apply to any product that mitigates the side effects of a drug used to counteract an epidemic. That could include pain or high blood pressure medication.

Even reckless or grossly negligent drug companies will not be held responsible for the injuries they cause. The provisions in the conference report only allow for an injured patient to hold a drug company responsible if he or she can prove using clear and convincing evidence that the company acted with "willful misconduct." This burden is virtually impossible to meet.

This gift to the drug companies comes at the expense of injured patients and the success of our future programs to ensure vaccinations. The provisions establish a "compensation fund," but provide no money for it. Patients who are injured by products covered under this legislation will find that because there is no money in the fund, there is no compensation.

Under this administration's watch, the absence of a promise of compensation resulted in the failure of the program to vaccinate first responders for smallpox. The legislation we passed last night creates the same problem and condemns future similar vaccination programs to failure. Who can blame people for saying no when we are asking to take the risks of what may be an adverse effect if they are not assured that we will take care of them?

Mr. President, the inclusion of these policies in the DOD Appropriations bill was not just bad form, it was bad for Americans. I strongly opposed their inclusion. And I am strongly committed to revisiting this damage in the first days of our return.

ADDITIONAL STATEMENTS

DEPARTMENT OF DEFENSE  
APPROPRIATIONS

● Mr. BAUCUS. Mr. President, I wholeheartedly support the provisions of the Department of Defense appropriations bill that provide money for our brave military men and women. I support the much needed 3.1 percent pay increase. And I support the Blackhawk MEDEVAC and Utility Helicopters, and Wireless Communication Systems for Montana's National Guard.

But this was not a clean bill. Although I voted for the bill, I take offense to a number of provisions that have nothing to do with our troops. These additions should never have been included in the Defense bill in the first place. They don't belong here.

We have focused our discussion over the past few days on drilling in Alaska. And I am proud that our defense bill does not include ANWR.

But in objecting to ANWR, we have forgotten other changes in the conference report, last minute additions that have no place in a defense bill. I am referring to the Public Readiness and Emergency Preparedness Act.

The Emergency Preparedness Act virtually eliminates liability for pharmaceutical companies. Now drug companies have wholesale immunity except in the case of "willful misconduct." Drug companies will no longer be held responsible for negligence or recklessness. Only if they had actual knowledge that their product would injure or kill someone would we hold them accountable.

The Emergency Preparedness Act also sets up an unfunded compensation fund. Without any money appropriated to the fund, the fund is inoperable. This could allow drug companies to remove themselves from responsibility without providing the American people with the recourse they deserve.

Although I support the Defense bill we passed, I do not support the Emergency Preparedness Act. This section was added at the last minute. And it only passed because all of us in the Senate wanted to provide support for our troops.●

MESSAGE FROM THE HOUSE

At 8:03 p.m., a message from the House of Representatives, delivered by

Mr. Hays, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4647. An act to amend the USA PATRIOT ACT to extend the sunset of certain provisions of such Act.

The message also announced that the House has passed the bill (S. 2170) to amend the USA PATRIOT ACT to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006, with an amendment.

The message further announced that the House has passed the concurrent resolution (S. Con. Res. 74) correcting the enrollment of H.R. 2863, without amendment.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker pro tempore of the House of Representatives (Mr. WOLF) has signed the following enrolled bill:

S. 1281. An act to authorize the programs of the National Aeronautics and Space Administration.

Under authority of the order of the Senate of December 21, 2005, the enrolled bill was signed subsequently on today, December 22, 2005, by the Acting President pro tempore (Mr. WARNER).

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 22, 2005, she had presented to the President of the United States the following enrolled bills:

S. 205. An act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 652. An act to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

S. 1238. An act to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

S. 1310. An act to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the di-

ameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

S. 1418. An act to amend the Indian Land Consolidation Act to provide for probate reform.

S. 1892. An act to amend Public Law 107-153 to modify a certain date.

S. 1988. An act to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

#### ADJOURNMENT SINE DIE

The ACTING PRESIDENT pro tempore. In my capacity as the senior Senator from Virginia, I ask unanimous consent that the Senate now stand in adjournment sine die under the provisions of H. Con. Res. 326.

There being no objection, the Senate, at 8:04 p.m. adjourned sine die.

#### NOMINATIONS RETURNED TO THE PRESIDENT

Returned to the President, Thursday, December 22, 2005:

THE FOLLOWING NOMINATIONS TRANSMITTED BY THE PRESIDENT OF THE UNITED STATES TO THE SENATE DURING THE FIRST SESSION OF THE 109TH CONGRESS, AND UPON WHICH NO ACTION WAS HAD AT THE TIME OF THE SINE DIE ADJOURNMENT OF THE SENATE, FAILED OF CONFIRMATION UNDER THE PROVISIONS OF RULE XXXI, PARAGRAPH 6, OF THE STANDING RULES OF THE SENATE.

##### DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

JAMES H. BILBRAY, OF NEVADA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

PHILIP COYLE, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

ADMIRAL HAROLD W. GEHMAN, JR., UNITED STATES NAVY, RETIRED, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

JAMES V. HANSEN, OF UTAH, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

GENERAL JAMES T. HILL, UNITED STATES ARMY, RETIRED, OF FLORIDA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

SAMUEL KNOX SKINNER, OF ILLINOIS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

BRIGADIER GENERAL SUE ELLEN TURNER, UNITED STATES AIR FORCE, RETIRED, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

JAMES H. BILBRAY, OF NEVADA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

PHILIP COYLE, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COM-

MISSION, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ADMIRAL HAROLD W. GEHMAN, JR., UNITED STATES NAVY, RETIRED, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES V. HANSEN, OF UTAH, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GENERAL JAMES T. HILL, UNITED STATES ARMY, RETIRED, OF FLORIDA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GENERAL LLOYD W. NEWTON, UNITED STATES AIR FORCE, RETIRED, OF CONNECTICUT, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ANTHONY JOSEPH PRINCIPI, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SAMUEL KNOX SKINNER, OF ILLINOIS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BRIGADIER GENERAL SUE ELLEN TURNER, UNITED STATES AIR FORCE, RETIRED, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### DEPARTMENT OF JUSTICE

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

##### THE JUDICIARY

BRETT M. KAVANAUGH, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

##### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BRIGADIER GENERAL DANA T. ATKINS AND ENDING WITH BRIGADIER GENERAL JOHNNY A. WEIDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2005.

AIR FORCE NOMINATION OF COLONEL JAMES A. BUNTYN TO BE BRIGADIER GENERAL.

AIR FORCE NOMINATIONS BEGINNING WITH COLONEL BROCK JOHN T. STROM AND ENDING WITH COLONEL RICHARD J. UTECHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH COLONEL GREGORY A. BISCONI AND ENDING WITH COLONEL TOD D. WOLTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 4, 2005.

##### IN THE ARMY

ARMY NOMINATION OF COLONEL FREDDIE R. WAGGONER TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. JULIA A. KRAUS TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF MAJ. GEN. ERIC T. OLSON TO BE LIEUTENANT GENERAL.

ARMY NOMINATION OF COL. GILBERTO S. PENA TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. RODNEY J. BARHAM TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. LARRY L. ARNETT TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. OTIS P. MORRIS TO BE BRIGADIER GENERAL.

##### IN THE NAVY

NAVY NOMINATION OF CAPTAIN DAVID J. MERCER TO BE REAR ADMIRAL (LOWER HALF).

NAVY NOMINATION OF TITO P. DUA TO BE CAPTAIN.

NAVY NOMINATION OF LANCE C. ESSWEIN TO BE COMMANDER.

## EXTENSIONS OF REMARKS

### NATIVE AMERICAN HOUSING ENHANCEMENT ACT OF 2005

SPEECH OF

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mrs. MALONEY. Mr. Speaker, this legislation improves the availability of Federal housing monies to Native Americans. It makes the requirements applicable to Indian tribes and their housing entities under the Housing Act of 1949 consistent with the Native American Housing Assistance and Self Determination Act; allows Indian tribes to have access to YouthBuild program grants; and makes technical corrections to NAHASDA to remove impediments to getting funds that serve no purpose.

There is no question that this bill, and any bill that improves Federal housing assistance to Native Americans, is sorely needed. Native Americans have an overall poverty rate twice that of the rest of the United States. In particular, they face a dramatic shortage of safe and adequate housing. Some 90,000 Native-American families are homeless or live in very poor conditions. Even among those who have housing, about a third of Native American homes lack adequate sewage systems, and 8 percent do not have safe drinking-water systems.

For that reason, this bill—introduced by Mr. RENZI and Mr. MATHESON—has received strong bipartisan support in both chambers of Congress. The House passed the bill by voice vote on April 6, and the Senate passed its version on November 8, also by voice vote. Our passage of the Senate version today sends this to the President's desk.

Essentially, this bill ensures that Indian tribes seeking housing assistance from the Federal Government are not caught between conflicting and preclusive requirements of different Federal agencies administering different Federal acts.

Also, the bill makes Indian tribes eligible for Youthbuild grants. These grants are part of a HUD program that provides job training and academic assistance to low-income young people. Again, this is sorely needed by Native American youth.

I urge my colleagues to support this bill.

### DEPARTMENT OF JUSTICE APPRO- PRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

SPEECH OF

#### HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of this conference report

reauthorizing the Violence Against Women Act, VAWA. I am pleased VAWA will be given floor consideration before Congress adjourns this session.

Ending family and community violence in this country requires an on-going commitment from Congress. Our obligation as legislators and citizens is to provide the tools to prevent family violence, and where violence has occurred, support services that provide the needed shelter and support to victims. Furthermore, the perpetrators of family violence must receive both significant punishments as well as the necessary interventions to prevent recidivism. Our goal must be to end the cycle of family violence in our communities and that will require comprehensive intervention and prevention strategies.

This reauthorization is critical in encouraging collaborative efforts among law enforcement officials, the courts, and service providers who work with victims of domestic and sexual violence. We must continue to increase public awareness of domestic violence, while addressing the individual and unique experiences of victims of domestic and sexual violence, including the needs of immigrant populations and people of diverse ethnic and racial backgrounds, the disabled, and children. As a Nation, we must do what we can to end the cycle of violence that exists in too many homes and communities across the country and to assist the families and children who are living day to day in fear and isolation.

VAWA is a landmark piece of legislation that has been successful. It has brought a voice to those who had been silenced and shelter to those who were in need of a safe place. And, there is still work to be done. For example, while this bipartisan authorization bill is critical to moving the issue forward, adequate funding for services for families affected by violence must also be a priority for this Congress.

On a personal note, my daughter, Katie, has recently started a career in providing services to victims of family violence. From the frequent stories she tells me about working in a shelter for women, it is clearly a challenging but also very rewarding career path she has chosen. I applaud Katie and all of the women and men who have committed their professional careers or volunteer hours to serving our neighbors and community members who have found themselves victims of domestic violence. Their dedication makes communities across America stronger, more caring and more peaceful.

It is in honor of the survivors of violence and those who serve them that I stand today in support of Congress's role in providing services and support for survivors of domestic and sexual violence through the reauthorization of VAWA.

### HONORING THE LINKS, INC. OAKLAND BAY AREA CHAPTER

#### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Ms. LEE. Mr. Speaker, I rise today to honor The Links, Inc. Oakland Bay Area Chapter on the occasion of its 55th year of service to our community.

The Links, Inc. was founded in 1946 by Sarah Scott and Margaret Hawkins of Philadelphia, Pennsylvania, who envisioned an organization of African American women "linking together in a chain" to improve the quality of life in their community. Today, that vision has been realized, with The Links, Inc. being comprised of 296 chapters and more than 10,000 women as its members. The Links, Inc. is located in 39 U.S. States, as well as in the Bahamas and in Germany.

The Oakland Bay Area chapter of The Links, Inc. was founded in September 1950 when eighteen inspired women saw a need in our community and joined together to make a positive difference. Currently, there are more than fifty dedicated women who are members of this chapter which, since its founding, has worked continuously to support charitable organizations and community groups.

Each year, often times on the occasion of its Annual Cotillion, the Oakland Bay Area Chapter of The Links, Inc. presents philanthropic grants to a number of community and public organizations, particularly those that focus on youth & family development, community health, social justice, education, and the arts.

This year will mark the Oakland Bay Area Chapter of The Links, Inc.'s 50th Annual Cotillion. These events feature not only the community services of The Links and other organizations, but also the selection of each year's Debutantes. These young women are selected based on excellence in academics and extracurricular activities, as well as for a strong commitment to serving their community.

The list of Debutantes who will be featured at the Oakland Bay Area Chapter of The Links, Inc.'s 2005 Cotillion include: Ashley Burns, Ebony Campbell, Jessica Charles, Mickala Cheadle, Kimberly Clincy, Raphael Cobb, Robyn Cross, Kristen Davis, Vanessa Domenichelli, Dominique Drakeford, Joya Dupre, Morgan Frazier, Laura Green, Ashley Greene, Jazmyn Hammons, Victoria Harrell, Britney Jaymes Harrison, Jenevieve Harrison-Toney, Yasmine Hassan, Aleha Jones, Jamela Joseph, Danielle Oliva, Brittany Pakeman, Jessica Pugh, Lauren Savage, Ashley Sewell, Ashley Shaw, Kaitlyn Sheehan, Jade Smith-Williams, Allison Greer Tillman, Mareesa Allyse Valentine, Erika Walker, Tierra Williams, and Erica Williams.

On Saturday, December 17, 2005, the Oakland Bay Area Links 50th Annual Cotillion will be held in San Francisco, California. On behalf of the California's 9th U.S. Congressional

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

District, I congratulate tonight's Debutantes, and I salute past and present Oakland Links members for their many years of invaluable service to our community.

DARFUR'S SLOW AND CRUEL  
STARVATION

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. RANGEL. Mr. Speaker, as the end of 2005 draws near I rise to say a few words about the people of Darfur and to enter into the RECORD an eyewitness account of Hillary Anderson a BBC correspondent in Darfur entitled Sudan's Slow and Cruel Starvation first broadcast July 2004 in which she personalizes what Darfur means in pain for mothers and children in Darfur. Unfortunately the year 2005, especially in the last few months, has gotten worse than 2004 for the people of Darfur. According to the United Nation's humanitarian chief, Jan Egeland, people are still being killed, the Janjaweed Militias are still armed and kill at will, women are raped, men are dead, no food is planted or harvested. Mr. Egeland announced on December 20, 2005, the situation in Darfur was so bad that aid organizations were being threatened and might be forced out of the country.

Therefore we can know with a sad heart that Ms. Anderson's 2004 story of Juma and Nadia has been repeated many times in 2005. And if this Nation does not act, this story will be repeated thousands of times in 2006—until there are no more Jumas and no more Nadias.

Ms. Anderson begins her piece from the Mornay camp: "I am sitting in the dark on the edge of a camp for displaced people in Darfur. I can hear the loud persistent crying of one child rising above the murmur of the camp as the people settle down for the night. Tonight the stars are out—that means no rain. Last night was not like this at all.

You can see it coming in the afternoons. The sky begins to darken and the horizon goes an ominous, brown shade of yellow. Then the wind starts and the dust of the Sahara desert whips up, blasting whirling sands in all directions. The people start to run in their long rags, heads bowed against the wind.

Then, the heavens simply open, the wind ferociously hurls drenching curtains of water at everything around. Mothers with their children, whose faces are twisted up in misery, squat grasping the sides of their makeshift shelters—which do not keep them dry. The torn plastic bags that make up the walls of their twig shelters flap madly in the wind. The ground turns into a mire of mud. . . .

In the morning we wake up to hear the children crying. In the makeshift hospital here, set up by foreign aid workers, it is so crowded with the sick that some are sleeping on the floors. Among the stench and the flies, the children lie wasted, staring into space. Tiny human beings, who were born into the madness of man's inhumanity to man, into the madness of a spate of killing that has left many of their fathers, brothers, grandparents and uncles dead.

And now, they face starvation which is cruel and slow. Most of the children are too far

gone to eat. Some have the peeling skin and lesions that come with advanced starvation—their skin is wrinkled, lose around their bones. The mothers sit by powerless.

We spent two weeks in Darfur, driving through the eerie, burnt-out villages, empty of people.

We traveled to Mornay camp, where we were a month ago. On arriving back, we went to the medical tent. It was strangely quiet inside. Four people are sitting in a circle. A mother was looking down and sobbing silently, rubbing her hands on her face. I realized I knew her. Then it slowly came to me what was going on. Her daughter Nadia, whom we had spent two days with in this tent a month ago, was dying. The mother, Juma, was saying an awful goodbye.

We moved away in their private moment. Ten minutes later Nadia was dead. The men took her body away to prepare for the burial. Then they emerged at the far end of the grave yard, carrying her tiny body in their hands. They said their prayers and laid her body in the earth. Juma, her mother, sat on the ground. She wasn't crying any more.

After the funeral I went to pay my respects. . . . When she saw me, she started screaming 'Nadia, Nadia, Nadia.' She fell on me, screaming, she kept screaming. She kept repeating her daughter's name. Then the older women started screaming too.

When Juma left the graveyard I saw her walking away on her own, sobbing and crying her child's name into the breeze of the vast desert, into the nothingness of the camp. . . .

Darfur is a nightmare that is alive here today and perhaps somewhere else tomorrow. Racial and tribal tensions, and regional disquiet, have erupted into a war where the civilians are being punished, killed and abused. We are the adults, this is the world we live in and accept. The world we have created for ourselves. . . . Why are massacres of civilians allowed to happen in Sudan? Why has no-one counted the dead?"

[From BBC News, July 24, 2004]

SUDAN'S CRUEL AND SLOW STARVATION

(By Hilary Andersson)

I'm sitting in the dark on the edge of a camp for displaced people in Darfur. I can hear the loud, persistent crying of one child rising above the murmur of the camp as the people settle down for the night.

Tonight the stars are out—that means no rain. Last night was not like this at all.

You can see it coming in the afternoons. The sky begins to darken and the horizon goes an ominous, brown shade of yellow.

Then the wind starts and the dust of the Sahara desert whips up, blasting whirling sands in all directions. The people start to run in their long rags, heads bowed against the wind.

LACK OF SHELTER

Then, the heavens simply open, the wind ferociously hurls drenching curtains of water at everything around.

Mothers with their children, whose faces are twisted up in misery, squat grasping the sides of their makeshift shelters—which do almost nothing to keep them dry.

The torn plastic bags that make up the walls of their twig shelters flap madly in the wind. The ground turns into a mire of mud.

My TV crew and I run for our shelter 15m (50ft) away. All night, the rain pounds against our ceiling. I wake up at 0300—it is still going on. The people on the other side of our wall are still sitting, bracing themselves

against the wind and rain, where they were at dusk. This is what it is like most nights for them.

WASTE

In the morning we wake up to hear the children crying. In the makeshift hospital here, set up by foreign aid workers, it is so crowded with the sick that some are sleeping on the floors.

Among the stench and flies, the children lie wasted, staring into space. Tiny human beings, who were born into the madness of man's inhumanity to man, into the madness of a spate of killing that has left many of their fathers, brothers, grandparents and uncles dead.

And now, they face starvation which is cruel and slow. Most of the children are too far gone to eat. Some have the peeling skin and lesions that come with advanced starvation—their skin is wrinkled, loose around their bones. The mothers sit by powerless.

We spent two weeks in Darfur, driving through eerie, burnt-out villages, empty of people.

We travelled to Mornay camp, where we were a month ago. On arriving back, we went to the medical tent. It was strangely quiet inside.

Four people were sitting in a circle. A mother was looking down and sobbing silently, rubbing her hands on her face. I realized I knew her. Then it slowly came to me what was going on. Her daughter Nadia, whom we had spent two days with in this tent a month ago, was dying.

The mother, Juma, was saying an awful goodbye.

We moved away in their private moment. Ten minutes later Nadia was dead.

The men took her body away to prepare for the burial. Then they emerged at the far end of the graveyard, carrying her tiny body in their hands. They said their prayers and laid her body in the earth.

Juma, her mother, sat on the ground. She wasn't crying any more.

CRYING TO THE DESERT

After the funeral I went to pay my respects. Juma had two older women next to her who, perhaps through custom, were telling her to hold her emotions in. But when she saw me, perhaps remembering the filming we did with Nadia last month, she started screaming 'Nadia, Nadia, Nadia'.

She fell on me, screaming, she kept screaming. She kept repeating her daughter's name. Then the older women started screaming too.

When Juma left the graveyard I saw her walking away on her own, sobbing and crying her child's name out into the breeze of the vast desert, into the nothingness of the camp.

Donkeys, half starved themselves, moved around slowly. Refugees continued collecting water and fixing their huts. This happens here every day.

Darfur is in a nightmare that is alive here today and perhaps somewhere else tomorrow. Racial and tribal tensions, and regional disquiet, have erupted into a war where the civilians are being punished, killed and abused.

We are adults, this is the world we live in and accept. The world we have created for ourselves.

Will these things still happen in Africa a century from now? Will it ever change? Why are massacres of civilians allowed to happen in Sudan? Why has no-one even counted the dead?

Money is needed desperately now to save lives. But it has gone this far in Darfur, because no-one really noticed or did anything to stop it. Nadia did not have to die at all.



DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 3402, the Department of Justice Appropriations Authorization Act which provides for the comprehensive reauthorization of the Violence Against Women Act, VAWA.

The Violence Against Women Act, VAWA, is a truly bipartisan success. Since VAWA was enacted in 1994, we have made great strides toward ending domestic violence and preventing the cycle of abuse in our communities. States have passed more than 660 laws to combat domestic violence, dating violence, sexual assault and stalking, and the National Domestic Violence Hotline has answered over 1 million calls. We have come a long way since the initial passage of VAWA. But there is no doubt we have a long way to go.

All Americans should feel safe in their communities, their workplace and their homes. Yet domestic violence remains a serious problem across the country, and every year thousands of Americans become victims in their own homes. Nearly one in four women will experience domestic violence during her lifetime. And slightly more than half of female victims of intimate violence live in households with children under age 12. Growing up in a violent home may be a terrifying and traumatic experience that can affect every aspect of a child's life, growth, and development. To end the cycle of violence and promote healthy families, we must ensure that communities have resources to prevent abuse and provide victims of domestic violence the support they need. We are on the way to making that a reality.

The Violence Against Women Act provides aid to law enforcement officers and prosecutors and helps to reduce domestic violence and child abuse by establishing training programs for victim advocates and counselors in addition to a host of other areas including tightening criminal penalties against domestic abusers and creating new solutions to other crucial aspects of domestic violence and sexual assault.

In the past, in the present, and in the future, VAWA has been, and will continue to be a critical tool to combat violence.

But even with VAWA's great successes and promising future, we know that our work is not yet done.

There are solutions to preventing the 960,000 incidents of violence that are reported against a current or former spouse, boyfriend, or girlfriend each year. The country must not tolerate the violence, abuse, and sexual assault that pervades our society. We must continue to fight for measures that will provide better economic security for victims of violence, increase protections for battered immigrants, promote awareness in underserved populations, enhance protection of victims' personal information and develop programs designed to prevent domestic violence before it occurs.

Together, we can eliminate domestic violence from homes across the country and en-

sure that our children grow up in healthy, peaceful communities. Passage of H.R. 3402 marks our continuing effort to do just that.

CONFERENCE REPORT ON H.R. 3199, USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

SPEECH OF

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise to express my opposition to the conference report to the reauthorization of the USA PATRIOT Act.

Mr. Speaker, I stated after the House voted on H.R. 3199 in July, that it was my hope that the conference committee would temper the extremes that are present in this legislation, and that the conferees would keep the American people's respect for privacy and desire for freedom in mind, I do not believe that this conference report reflects those ideals.

National security, homeland security and the collection of intelligence need to be balanced with the fundamental freedoms and civil liberties granted to Americans by our Constitution. Terrorism is a real threat to our security, but so are laws that threaten our liberty by allowing an over-zealous government to infringe on the privacy of individuals, based on vague, undefined, and at times, "classified" evidence. It is possible to be safe, and free, and to protect security while still respecting civil liberties. Unfortunately, this conference report fails to recognize this reality and come to bipartisan agreement in protecting both the security and civil liberties of Americans.

I voted in favor of the motion to recommit, which would have replaced the text of the conference report with the text of the original bill passed by the Senate. The original Senate bill included far more protections for civil liberties than this conference report. That Senate-passed bill would have included a process of judicial review for recipients of a National Security Letter, as well as a standard requiring the Government to show a connection to a suspected terrorist or organization when requesting business or library records. This conference report before me today only requires the Government to demonstrate "relevance" in an investigation.

This conference report makes 14 of 16 controversial PATRIOT Act provisions permanent. In making these provisions permanent, Congress is relinquishing its responsibility to review their use, granting more permanent power to the executive branch. Congressional oversight has been maintained only through the two provisions scheduled to sunset in 4 years, as well as through the inclusion of a "lone wolf" provision, also scheduled to sunset in 4 years. Congress has a responsibility to check the power of the executive branch, not cede that authority, potentially threatening the civil liberties of our citizens. The conference report voted on today unfortunately fails to safeguard individual privacy rights, and allows the Government, with little burden of proof, to scrutinize nearly every aspect of a person's life.

It has been said in this debate that we must sacrifice some of our freedoms in the name of

security. This is the wrong approach, and the American people have the right to expect better from Congress. We cannot allow terrorism to erode either our national security or our civil liberties—both present a danger to this country. I urge my colleagues to vote against this conference report, and support both the rights and security of the American people.

WELCOMING THE NEW SWAZI AMBASSADOR TO THE UNITED STATES

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. TOWNS. Mr. Speaker, it is my privilege to welcome the new ambassador of the Kingdom of Swaziland to the United States.

Ambassador Ephraim M. Hlophe presented his credentials to President George W. Bush at the White House on Monday, October 3.

A graduate of the University of Pittsburgh, Ambassador Hlophe was principal secretary for his country's Ministry of Economic Planning and Development, and has served as Swaziland's National Contact Point for the Southern African Development Community and as a member of the Swaziland Investment Promotion Authority (SIPA).

Ambassador Hlophe told President Bush that he hopes to see "increased attention in the United States toward trade and investment opportunities in Swaziland. Our country welcomes American firms to explore the many possibilities Swaziland has to offer in mining, tourism, manufacturing, agribusiness, and international services."

Swaziland, Ambassador Hlophe has explained, "is working with the United States in developing an investment code, and the United States is working with the Swaziland Investment Promotion Authority to help attract foreign investment. We appreciate the work USAID is doing to develop an 'investor road map' to identify barriers to foreign investment and to form the basis of a new investment code."

Mr. Speaker, the lively monthly publication, *The Washington Diplomat*, recently published a profile of Ambassador Hlophe in its biweekly "Diplomat Pouch" newsletter. With no objection, I ask that the article by correspondent Anna Gawel be entered into the RECORD as a welcome to Ambassador Ephraim Hlophe.

[From the *Washington Diplomat*, Dec. 1, 2005]

NEW SWAZI AMBASSADOR HITS THE GROUND RUNNING

(By Anna Gawel)

Shortly after presenting his credentials to President Bush, Ephraim M. Hlophe, the new ambassador of Swaziland, got to work promoting his small Southern African kingdom to Washington audiences.

Shortly after his arrival, Hlophe met with Rep. Christopher H. Smith (R-N.J.), chairman of the House International Relations Subcommittee on Africa, Global Human Rights and International Operations. The ambassador also plans to meet with other members of Congress as well as officials from USAID in the next few weeks.

Hlophe, a graduate of the University of Pittsburgh, is trying to boost foreign investment in areas such as manufacturing, particularly in sugar and textiles, as well as

tourism, which is a major draw for Swaziland. "I'd say the whole kingdom is a tourist attraction area," Hlophe noted.

The ambassador is also working to tackle the more serious issues that his country faces, namely the HIV/AIDS epidemic that continues to plague much of Africa. Swazi King Mswati III is expected to visit Uganda early next year to examine the successful "ABC" model (abstain, be faithful and use condoms) that Uganda has been using.

Like its neighbors, Swaziland has an especially high rate of HIV infection. "We've seen some significant improvement in terms of people who are willing to be tested so that they benefit from these drugs that are made available through the Global Fund," the ambassador said, referring to the Global Fund to Fight AIDS, Tuberculosis and Malaria. But as a small kingdom, Hlophe said an aggressive approach that encompasses all the methods of prevention and treatment will be crucial to the king's efforts to combat the epidemic.

In addition, Hlophe must address the backlash that often stems from the king's rule of what is Africa's last absolute monarchy. Swaziland has been criticized for its lack of democratic reforms and human rights record, particularly with regard to women's rights.

But Hlophe, a jovial and easygoing man, prefers to highlight the positive advancements his country has made. He pointed to the new constitution scheduled to take effect early next year—Swaziland's first in more than 30 years—explaining that the entire country had a hand in its drafting. "I think that instrument is not the king's instrument. It is our instrument; it is every Swazi's instrument."

The king has also been heavily criticized for his many wives, which he often picks out from among a lineup of topless virgins at an annual dance. On the topic of women's rights, Hlophe noted that when he served as principal secretary for the Ministry of Economic Planning and Development, he took over from a woman—a "visible effort" that is reflective of the drive to include more women in decision-making roles, something that is often overlooked by the media. "People always highlight the negative and not highlight the good points," he said.

Mr. Speaker, I invite my colleagues to offer their own expressions of good wishes to Ambassador Hlophe as he takes up his post to represent Swaziland in Washington. I am certain that he will enjoy a major measure of hospitality on the part of the American people.

THE FY 2006 DEFENSE APPROPRIATIONS CONFERENCE REPORT (H.R. 2863), AS AMENDED BY THE SENATE

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. VAN HOLLEN. Mr. Speaker, we are here today because the Senate rightly rejected the Defense Appropriations conference report—not because they didn't support our troops, but because they honored their service enough to insist on a military spending bill unsullied by special interest politics.

While I continue to have concerns about a number of unrelated provisions in the underlying bill, I also believe it is critical to ensure that our soldiers get the equipment they need to protect themselves and succeed in their missions.

Therefore, with the ANWR issue out of the way, I am prepared to support this legislation and forward it to the President for his signature.

CONFERENCE REPORT ON S. 1932,  
DEFICIT REDUCTION ACT OF 2005

SPEECH OF

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mr. BLUMENAUER. Mr. Speaker, There's a lot of talk about "savings" associated with this budget reconciliation, but let's be honest with ourselves and our children. This Congress continues to add to our \$8 trillion national debt. Nothing is being done here that is making any serious attempt to balance the national budget. Any reduction to our budget deficit will be more than offset by the tax cuts that Congress is still negotiating.

What makes matters worse are the programs being targeted to pay for these tax cuts. Republican leadership is cutting federal child-support enforcement aid, reducing states' capacity to help families make sure that children get the financial support they are owed. Student loans are the subject of some of the largest cuts, \$16 billion over 5 years.

This budget cuts programs that help protect the financial well-being of our children and grandchildren; cuts that help them cope with an increasingly expensive education. Even worse, this budget will then add to the national debt that these future generations will have to payoff.

It is a sad day for this country and a poor reflection on this Congress when our children will inherit a worse world because of what we do here today. This situation is a result of the Republican leadership's inability to legislate. Honest debate, open dialogue and legislating would not create bills so detrimental to society. This is the shameful outcome of backroom negotiating and ideological policy making.

PROVIDING FOR CONSIDERATION OF H.R. 2830, PENSION PROTECTION ACT OF 2005

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2005*

Mrs. MALONEY. Mr. Speaker, I rise in opposition to H.R. 2830, the Pension Protection Act of 2005.

Any bill that is called the "Pension Protection Act" should protect pensions, but the bill we have before us makes things worse in many ways for many current pensioners in this country and for many future pensioners.

First and foremost, the Pension Benefit Guaranty Corporation was first created to protect some of the retiree benefits of people if pension plans went bust or the corporations went bust. We are now told that this legislation makes that problem worse. The Congressional Budget Office tells us that this will make it at least \$9 billion worse over the next decade.

This is an agency that can look out into the future and can see up to \$100 billion of liabilities possibly coming their way. Much of which will come because this bill makes it easier to terminate plans. Simply, it makes it easier to put plans into bankruptcy.

This bill does nothing to solve the problems we have seen with airline industry pensions because their pension plans can be dumped during bankruptcy just as easily as they can now. This bill does nothing to prevent this.

The way we can tell that this legislation does not do the job is the way the Republican Leadership is making us debate the bill by taking the unusually restrictive step of not allowing us to debate substitute legislation. I guess they realize that this bill is so bad that if they allowed us the substitute, it certainly would have prevailed over this legislation. I would have supported the legislation that Congressmen RANGEL and GEORGE MILLER had prepared.

I urge my colleagues to vote against this legislation. Its only accomplishment is to make the problems of America's pensioners even worse than they are today.

H.R. 2017, THE TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2005

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of H.R. 2017, the Torture Victims Reauthorization Act of 2005.

Building on great legislation originally introduced by former Minnesota Senator David Durenburger, this bill further enhances the work that was started nearly a decade ago. The Torture Victims Relief Reauthorization Act reauthorizes funding for both domestic and foreign treatment centers for victims of torture, as well as the United Nations Voluntary Fund for Victims of Torture.

Mr. Speaker, I am proud that Minnesota is the home of the world-renowned Center for Victims of Torture. The work being done at the Center by Mr. Doug Johnson and his extremely qualified, compassionate staff is changing the lives of thousands of people around the world. The Center not only works directly with survivors of torture, but they also train American and International professionals, who return to their communities with the skills needed to better assist victims in rebuilding their lives. Through the work of the Center for Victims of Torture, and other centers like it, survivors of torture are able to reclaim their dignity, their hope, and their futures.

For years, Minnesotans have committed themselves to providing a safe haven for people who have been victims of torture. This is why I, along with so many of my constituents, am so deeply disturbed by recent media reports that the U.S. government might be the source of violence similar to what these victims of torture have suffered. I am extremely disappointed by the Bush Administration's strong opposition, earlier this month, to a provision added to the Senate Fiscal Year 2006 Defense Authorization bill. That provision would ban the use of torture and cruel, and inhumane treatment by members of the U.S.

military, and would clearly demonstrate our country's commitment to defending human rights. To even suggest that the U.S. government would condone the use of torture should shame every one of us in this House. Members of my community in Minnesota stand in shock and disbelief at the mere suggestion that our government would seek approval for acts similar to those that have shattered their own lives.

America must remain a beacon of hope and justice in this world. It must be our role as policymakers to restore our nation's reputation and our role in promoting peace and democracy around the world. We cannot allow the fear of the unknown to force our country to turn from our long record of upholding and strengthening the human rights of all people everywhere. Our citizens deserve a better path to security. The best way to restore our Nation's reputation and ensure the safety of Americans, and people everywhere, is to promote human rights, hope and opportunity across the globe. This bill helps to restore our reputation by aiding in the recovery and rebuilding of lives devastated by torture.

Mr. Speaker, I am proud to support this bill, and would like to thank Representative CHRIS SMITH for his tireless work in supporting victims of torture, by introducing this reauthorization. I would also like to thank Ranking Member LANTOS and Chairman HYDE for their strong support of this vital legislation in the House International Relations Committee. In addition, this bill would not be what it is today without the amazing and inspiring work of Doug Johnson, John Salzberg, their associates at the Center for Victims of Torture, and all those working in the field around the world. It is my hope that this bill allows their good work to continue for years to come.

HONORING THE PACIFIC GAS &  
ELECTRIC COMPANY BLACK EM-  
PLOYEES' ASSOCIATION

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Ms. LEE. Mr. Speaker, I rise today to honor the Pacific Gas & Electric PG&E, Company's Black Employees' Association on the occasion of its 25th year of service to our community.

The PG&E Black Employees' Association, BEA, was founded in 1980 by a group of African American PG&E employees who wanted to enhance the social and intellectual exchange of ideas among the growing number of African American employees at the company. Over the past 25 years, this exchange has resulted not only in networking, collaboration and workplace adjustment opportunities for African American employees, but has also been integral to PG&E's outreach efforts to the African American Community and our community at large.

The primary focus of PG&E's outreach efforts in this regard has been on providing educational opportunity, namely in the form of college scholarships. Since its founding, BEA has awarded upwards of \$700,000 in college scholarships, with the majority of those funds coming directly from BEA member contributions.

In addition to the significant contributions it makes to nationwide educational funds, BEA

reaches out to young people and members of our community in a variety of other ways. In addition to its consistent support of the National Society of Black Engineers, the Black Employees Associations of Northern California, the Museum of African Diaspora and numerous diversity awareness efforts within PG&E, BEA provides mentoring and job shadowing opportunities to young people seeking career guidance. Furthermore, BEA sponsors regular events which address issues related to retirement, financial management and other forms of career management for current employees.

In addition to its efforts in the areas of education and professional development, BEA is known for its charitable involvement with a number of local community organizations, as well as its members' regular volunteer efforts. Recently BEA awarded \$25,000 to five community based organizations through its partnership with PG&E and other groups, and has also awarded funds to local hospitals and community service organizations.

BEA is a regular participant in events and fundraisers at local K-12 schools and projects, such as the Beacon Project and E. Morris Cox Elementary School in Oakland. BEA members also volunteer regularly for major health initiatives such as the AIDS Walk, Juvenile Diabetes Fund, the Breast Cancer Awareness Campaign, and many other community building efforts.

This year marks the PG&E Black Employees' Association's 25th Anniversary. On behalf of the California's 9th U.S. Congressional District, I salute all BEA for their many years of invaluable service to the African American community and to the community at large. I congratulate BEA on this very special occasion, and thank its members for their invaluable contributions to California's 9th Congressional District and to our country.

PEACE ON EARTH

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. RANGEL. Mr. Speaker, I rise to enter into the RECORD "Witness for Justice #245" entitled My Christmas List, published on December 5, 2005, by the United Church of Christ of Cleveland, Ohio. The article eloquently written by Bernice Powell Jackson the Executive Minister of this Church on 700 Prospect Avenue in Cleveland is a fervent wish for Peace. Her wish, her prayer, is one that many of us share with her and I hope is in the hearts and on the lips of every minister, rabbi and imam when he or she stands before a congregation. Minister Jackson believes that for Christians the call to work for peace comes from the Prince of Peace. Those of other faiths, she says, are called "by our Creator to work for a world of peace not only at this time of year, but all year long."

Minister Jackson's first wish on her Christmas list is for peace on earth. I join with her in this wish for all of us; but I wish the God's peace especially for the least among us for these are the first victims when peace is absent. These victims are the women, the children, the child soldiers, the soldiers and their families, the poor, the invisible, the uncounted,

the sick, the forgotten, and those whose dignity, even humanity, is not acknowledged—the enslaved, the trafficked, and the tortured.

Minister Jackson's second wish is for young people who are ready and willing to take up the struggle for a world of peace and justice. She states this article, number 245, is her last Witness for Justice Column. She hopes for young people like the ones who struggled for civil rights in the U.S., in the anti-apartheid struggle in South Africa, in the people power struggle in the Philippines, and in Tiananmen Square in China will arise to take on the causes for which she has been such an effective advocate. Minister Jackson recognizes the struggle continues against poverty.

I join Minister Jackson in her second wish and add a second wish of my own. I wish that we will see the end of extreme poverty in our lifetime. I commend the work and advocacy of Jeffery Sachs, Bill and Melinda Gates, Bono and Presidents Jimmy Carter and Bill Clinton and wish with them that childhood AIDS can be treated, that the AIDS Pandemic in Africa can be stopped, that treatable diseases that cause blindness in Africa can be eradicated and that people who are too poor to live can receive simple remedies like mosquito nets that will save 5000 children a day in Africa, clean water and enough food to flourish not just survive.

The third wish on Minister Jackson's Christmas List is for health care for every American. I join her in this wish. Ours is the richest country in the world and yet 45 million Americans cannot afford health care. Minister Jackson says the health care system is "imploding all around us." It is failing us. As a nation, America can no longer afford not to have health care for all Americans. The lack of universal health care for Americans represents a failure of our government and of our priorities; both must be changed.

Finally, Minister Jackson wishes for a return of a value which she writes "seems to be disappearing from our landscape—the value of integrity." Integrity she says is "a value which can only be earned through a life of honesty, fairness, forthrightness and a commitment to the common good of all humankind. It is a value which seems to be sorely lacking in government, in politics, in media, in business, even in religion. Integrity means standing up for what is right and just and true, no matter which way the winds of the world blow. It means speaking the truth, not words of political spin . . . It means matching your words with your life. My Christmas wish is for an increase in integrity in our world." I join Minister Jackson in this wish with all my heart.

Witness for Justice #245, Dec. 5, 2005

MY CHRISTMAS LIST

(By Bernice Powell Jackson)

Every year for the past eleven years I have shared my own Christmas list with you. Most years it has included a wish for even a day of peace in the world—when war ceases, when domestic violence pauses, when guns are laid down in homes and cities and nations. It hasn't happened yet, despite the prayers and the hard work of so many of you. Nevertheless, I believe, that those of us who are Christian are called to work for peace by the Prince of Peace. Those of other faiths are also called by our Creator to work for a world of peace not only at this time of year, but all year long. So my first wish is for peace on earth.

As I write my last Witness for Justice column, I wish for young people who are ready and willing to take up the leadership in the struggle for a world of peace with justice. I am reminded that there has been no viable struggle for justice and peace which did not include young people in the leadership in the last century and I am sure that will be true for this century as well. Young people were a part of the leadership in the civil rights struggle in the U.S., in the anti-apartheid struggle in South Africa, in the people power struggle in the Philippines, even in Tiennamin Square in China. We need young people willing to say war is not the answer, poverty is not the solution and racism can be no more and to do the difficult work of making such a world a reality. That may mean using old tried and true methods of protest like marches and demonstrations and letter-writing, and it might include new 21st century high-tech methods of protest driven by the internet. We need the energy and enthusiasm of young people in the work for peace and justice and my Christmas wish is that each one of us who are elders will mentor a young person to take the lead in this millennia-old struggle.

My third wish is for health care for every American. If there is one issue which can impact every one of us and which can be won in the next two years, I believe it is national health care. Simply put, the health care system is imploding all around us. Corporations large and small know it, labor unions know it, non-profit organizations know it, retirees know it, those 45 million Americans with no health care insurance know it, the medical profession knows it, and hospital administrators know it. Even the politicians know that the health care system we now have is not working for any group in America except possibly the insurance industry, but unless we DEMAND an immediate change, however, politicians will not do anything about it until it collapses around us. Maybe the total collapse of General Motors or maybe the influx of Asian bird flu into the U.S. with millions unable to afford treatment or maybe millions of retirees losing their promised health care benefits or millions of workers being required to pay higher and higher deductibles will be what propels the collapse of our present-day system, but my Christmas wish is that Americans demand that our nation come up with national health insurance before the system collapses not afterwards.

My wish is for a return of a value which seems to be disappearing from our landscape—the value of integrity. Integrity is a value which can only be earned through a life of honesty, fairness, forthrightness and a commitment to the common good of all humankind. It is a value which seems to be sorely lacking in government, in politics, in media, in business, even in religion. Integrity means standing up for what is right and just and true, no matter which way the winds of the world blow. It means speaking truth, not words of political spin. It means looking out not just for oneself, but for the whole community, especially those who are powerless and can't stand up for themselves. It means being willing to admit mistakes and to ask for forgiveness, knowing that we are all human and fallible. It means matching your words with your life. My Christmas wish is for an increase in integrity in our world.

My Christmas wish list this year is for health and wellness for every reader, for laughter and joy, for strength and comfort in the days ahead. In the words of the great American writer, Maya Angelou, "I wouldn't take nothing for the journey".

The struggle continues!!!

## REVERSE MORTGAGES TO HELP AMERICA'S SENIORS ACT

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mrs. MALONEY. Madam Speaker, I rise in support of H.R. 2892, the Reverse Mortgages to Help America's Seniors Act.

By removing the cap on the number of these loans that HUD can guarantee, this bipartisan bill allows the program to grow with demand.

A reverse mortgage is a creative financing tool that allows seniors to take some of the equity out of their homes without having to sell the home, or take on a new monthly mortgage payment.

Because it allows seniors to remain in their homes and provides them an income, it has proved very popular. These funds can be used for the everyday demands that many seniors face and that can become particularly urgent for those surviving on a fixed income, such as paying off existing debts, paying health care expenses, or paying daily living expenses.

When the statutory cap of 150,000 loans was reached this spring, there was consternation that the program would be suspended even though it is a win-win: it makes money for taxpayers and benefits seniors.

As those events demonstrate, the cap serves no useful purpose and should be removed. There is no reason to deny seniors this benefit if they decide it works for them, especially since it makes substantial money for the government—almost \$40 million annually after the first year.

I urge my colleagues to vote for H.R. 2892 and make this financial tool available to any senior who wants to use it.

## CONFERENCE REPORT ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

SPEECH OF

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Ms. MCCOLLUM. Mr. Speaker, I rise to express my support for H.R. 1815, the Department of Defense Authorization Act for Fiscal Year 2006.

Mr. Speaker, torture can never be tolerated. As a country that has historically stood for the promotion and strengthening of human rights, our government must not be allowed to blur the line, bend the rules or otherwise distort the truth on acts that are clearly degrading, inhumane and cruel. Senator JOHN MCCAIN's amendment to the Fiscal Year 2006 Defense Authorization, and subsequently Appropriations, bills, was overwhelming supported in the Senate, and had bipartisan support in the House. Regardless of who we are fighting, and regardless of how the war is going, as Americans, we must never allow ourselves to again be accused of torture. Torture destroys the lives of those who are its victims as well as the lives, moral authority and strength of those who commit such devastating acts or support them.

As a cosponsor of the Interrogation Procedures Act of 2005, H.R. 3985, which is identical to Senator MCCAIN's amendment, I am pleased that conferees were able to come to a good agreement in regard to Senator MCCAIN's amendment. This amendment deserved the utmost support and respect, and I believe that in the end, the conferees were able to incorporate a clear, unambiguous statement on the unacceptability of torture by the U.S. government and military.

As media reports of alleged torture and extraordinary rendition become increasingly common, and as reports continue of "secret" CIA prisons operated throughout Eastern Europe, I am extremely pleased that the Administration has finally, publicly supported the MCCAIN ban on torture. I was appalled earlier this month, and in November, to hear of Vice President CHENEY's lobbying of Members of Congress to have this provision stripped, arguing that the provision would restrict the "flexibility" of the intelligence and military communities to wage an "effective" war against terror.

With this conference report, the United States has made a clear, unambiguous, and strong statement condemning torture and outlawing its use by any U.S. military personnel or on any U.S. facility in the world. This is to be greatly commended and I thank my colleagues for their support of this provision.

## WELCOMING THE KOREA INTERNATIONAL TRADE ASSOCIATION TO WASHINGTON

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. TOWNS. Mr. Speaker, the Korea International Trade Association (KITA), which has had offices in New York City since 1967, is expanding its presence in the United States by opening up a major office in the Nation's Capital.

Founded in 1946 with 105 members, KITA now represents more than 80,000 Korean businesses seeking to sell their products and services overseas, and in turn buying products and services from foreign countries.

Mr. Andy Mun, the president of KITA's branch in the United States, has said that having a presence in Washington will be important now that South Korea and the United States are engaged in negotiations to create a U.S.-Korea Free Trade Agreement.

In order to create a more prominent profile in Washington, DC, the Korea International Trade Association has purchased a building at 1660 L Street, NW., in the heart of the bustling commercial center of the city. While KITA will occupy several floors of the building, which will be designated the Washington Hankook Center, the rest will be used by American companies, law firms, non-profit groups, trade associations, and business consultants. The building is part of KITA's effort to build trade centers around the globe. In fact, KITA participates in the World Trade Centers Association, which has more than 300 members in 101 countries. It works closely with virtually all World Trade Centers to promote trade by providing facilities and services on a reciprocal basis.

In addition, to promote bilateral economic cooperation, KITA sponsors the Korea-U.S. Economic Council, the Korea-Japan Industry

and Trade Committee, and the Korea-Hong Kong Business Roundtable.

In its efforts to promote freer trade, not only between the United States and South Korea, but around the world, KITA organizes various functions and events to enhance mutual understanding on trade issues, seeking to resolve private-sector trade disputes through dialogue. It also works together with its overseas counterparts and international economic organizations to provide member firms with opportunities to interact fully with the international community.

Moreover, KITA places special emphasis on developing and maintaining cooperative relationships with overseas trade promotion organizations as well as major international organizations to facilitate trade and investment on a reciprocal basis. These cooperation activities include trade information exchange, organizing trade promotional events, joint research, and provision of facilities, such as the new office building on L Street in Washington.

Mr. Speaker, as January 13, 2006, will be the first time we celebrate Korean-American Day, as designated by the vote of this Congress, I think it is appropriate that we recognize the mutual benefits of trade between our country and South Korea, which has been a partner of ours in so many endeavors over the years, from fighting side-by-side with our Armed Forces to contributing \$30 million in assistance to the victims of Hurricane Katrina.

Barely half a century ago, South Korea was an impoverished casualty of imperialism and war; it has now grown to be the 13th-largest trading nation in the world. Korea is also the 7th-largest trading partner of the United States, with over \$70 billion in business between our countries each year. Credit for such remarkable development belongs in large part to the efforts of the Korea International Trade Association.

Mr. Speaker, I urge my colleagues to extend their good wishes and welcome to the Korea International Trade Association as it opens its new offices in Washington, DC.

CONFERENCE REPORT ON H.R. 2863,  
DEPARTMENT OF DEFENSE AP-  
PROPRIATIONS ACT, 2006

SPEECH OF

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to this conference report—and the breathtaking abuse of power it represents.

The purpose of a Defense Appropriations bill is to fund the fighting forces of the United States and to provide our troops with the support and equipment they need. At no time is that obligation more solemn than when our soldiers are at risk in places like Iraq and Afghanistan.

That is why it is so inexcusable for this congressional leadership to put our troops in jeopardy by playing politics with this bill.

Republicans and Democrats should unite behind a clean, bipartisan conference report that supports our soldiers and provides for a robust national defense. Instead, this legislation arrives on the floor packed with highly divisive, completely extraneous, last minute

giveaways to special interests—giveaways the Republican leadership knows perfectly well could never survive the scrutiny of the ordinary legislative process.

In that regard, I am particularly appalled by the inclusion of Arctic National Wildlife Refuge (ANWR) drilling in this legislation. And I am not alone: Five high profile military officials—including retired General Anthony Zinni—recently implored Congress not to politicize military spending by embroiling it in the ANWR debate. Senator MCCAIN called the ANWR insertion “disgraceful” and “disgusting”.

Mr. Speaker, the Arctic National Wildlife Refuge is a spectacular arctic ecosystem, sustaining wildlife so diverse it is sometimes called the American Serengeti. Along with a sizable majority of Americans, I continue to believe we should not despoil this national treasure for what amounts to six months worth of gasoline ten years from now. Instead, we should move expeditiously to diversify the Nation’s fuel mix away from our reliance on foreign oil and embrace the renewable energy and energy efficiency technologies of the 21st century.

I agree with General Zinni and Senator MCCAIN: It is the height of irresponsibility to be playing games with needed defense funds when our men and women in uniform are in harm’s way—and I am hopeful the Senate will reject inclusion of this extremely controversial and unrelated environmental provision in this military spending bill.

Moreover, I strongly object to the eleventh hour special interest liability protections added to this legislation. Once again, this kind of provision is not germane to the defense appropriations process. Furthermore, I am concerned it fails to provide adequate compensation to legitimately injured patients.

Finally, the Defense Appropriations bill is no place to be making spending decisions that have nothing to do with defense. Yet this bill contains a 1% across-the-board spending cut affecting almost every appropriations bill we have passed this year.

Mr. Speaker, earlier today I voted in favor of the defense authorization bill to provide the ongoing authority for ensuring our national defense. I am particularly pleased that the conferees on that bill saw fit to include Senator MCCAIN’s language on the humane treatment of prisoners held in American custody.

But on this vote I will not reward the abuse of power dragging down this bill. Shame on this House for playing politics with our troops during wartime. I urge my colleagues to vote no so we can return quickly with a defense bill worthy of our military’s service and sacrifice.

CONFERENCE REPORT ON H.R. 2863,  
DEPARTMENT OF DEFENSE AP-  
PROPRIATIONS ACT, 2006

SPEECH OF

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mr. BLUMENAUER. Mr. Speaker, the legislative process has clearly broken down and this conference report reflects that sad state of affairs. Included in this bill are a number of critical issues that have nothing to do with defense and deserve separate votes. Instead,

because they cannot or do not want to legislate, the Republican leadership has decided to play politics with our troops and use this bill as a vehicle to force through harmful provisions.

It is shameful that this conference report contains, for the first time, authority for oil drilling in the Arctic National Wildlife Refuge. Not only is this bad policy, but it has nothing to do with our Nation’s national defense. If Republicans were truly serious about reducing our dependence on foreign oil for security reasons, this bill would contain an increase in fuel efficiency standards for automobiles or a renewable portfolio standard. Instead, it contains an ideological victory for the anti-environmental leadership of this Congress that would only provide enough oil to meet our country’s needs for 6 months to a year.

This bill also contains a significant across the board budget cut, which is an unfortunate and easy way out of making smart spending choices. These cuts will have a harmful impact on everything from transportation to economic development to health care. In addition, the bill contains a damaging provision to provide immunity to drug and vaccine manufacturers.

I am disappointed that the conferees were unwilling to include fundamental provisions such as \$50 million in funding for the African Union Mission in Sudan. Without these funds, there will be no U.S. support for Darfur peacekeepers beginning in 2006. The African Union is the only security force in Darfur that has been able to provide a modicum of security. Yet without this funding it will not be able to continue its current level of around 6,000 peacekeepers for an area the size of Texas, let alone expand its operations to protect more civilians and aid workers. To allow Congress to adjourn without addressing this issue makes Republican leadership and the White House complicit in this ongoing genocide.

We face significant security and military challenges from the war in Iraq to the threat of terrorism and nuclear proliferation. Unfortunately, the spending choices in this bill do not reflect these threats and challenges. The billions we waste on outdated programs like missile defense come at the expense of the less-flashy tools we need to wage counterinsurgency warfare in places like Iraq and Afghanistan, such as armored vehicles and language training for soldiers. The security of the American people and the safety of our men and women in uniform demand better than this conference report.

BORDER PROTECTION, ANTI-  
TERRORISM, AND ILLEGAL IMMI-  
GRATION CONTROL ACT OF 2005

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes:

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to the so-called Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437. I am deeply



concerned with this legislation because it fails to seriously address our Nation's true immigration problems.

Our nation's immigration system needs a serious overhaul, but this is not it. This is a bill that has been rushed to the floor, about a week after it was introduced and after only one committee hearing that later discharged the bill on a party line vote. For an issue as important as this, we should work together, we should work towards consensus, we should take the time it takes to get it right. Instead, the Republican leadership is more interested in passing legislation that may look good on a press release, but does not solve our immigration problems and is not realistic.

If the Republican leadership was serious about securing our borders and preventing the entry of undocumented immigrants, they would fully fund the additional 10,000 border agents that we authorized when we passed the Intelligence Reform and Terrorism Prevention Act, Public Law 108-458, last year. The addition of these agents, which had broad bipartisan support, was a provision that would have a direct impact on securing both our Southern and Northern borders and had broad bipartisan support. However, when it comes time to fund these additional agents, Congress consistently comes up short.

This bill is strongly opposed by a broad range of organizations such as U.S. Chamber of Commerce, American Immigration Lawyers Association, American Farm Bureau, National Association of Homebuilders, Catholic Charities USA, Associated Builders and Contractors, United Auto Workers, among others. This broad coalition of organizations and interest groups understands that H.R. 4437 is not a solution to our existing immigration problem and in fact may exacerbate it.

I urge my colleagues to oppose this bill.

CONFERENCE REPORT ON S. 1932,  
DEFICIT REDUCTION ACT OF 2005

SPEECH OF

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Ms. MATSUI. Mr. Speaker, today we begin to debate this budget package and attempt to wrap up legislative business for the year. As we do so, many members find themselves thinking about going home to be with their families.

For me, I look forward to spending time with my family and particularly my 2-year-old granddaughter Anna. As many of my colleagues already know, Anna is the driving force behind my work in Congress—I want to make sure that we create policy that is best for Anna and those in her generation who do not have a say in what we are doing here today.

Therefore, I favor reducing the deficit. Anna and her generation should not have to bear the burden of the debt this Congress has created. But Congress must reduce the deficit in a responsible manner that results in a shared sacrifice.

Unfortunately, H.R. 4241 fails to do this. It disproportionately places the burden of these cuts on a few. And it also imposes cuts on key programs including Medicaid, child support enforcement and student loans.

When I consider how these cuts will impact my constituents and their families back in Sacramento—not to mention Anna and her friends—it is clear this is not a conscientious way to cut spending.

For example, one of the critical programs cut in this bill are student loans. By doing so we are placing greater financial stress on students who are already spread thin.

Recently I met with a group of students from Sacramento State, who reiterated this point to me. Each one of them stressed the importance of student loans in financing their education.

We need to be investing in the future to compete in the global marketplace. But, by cutting these loan programs we are undercutting America's ability to compete.

This is only one example of the impact of these cold-hearted spending cuts. Spending cuts necessary to finance the tax breaks in this budget package.

We need to restore fiscal responsibility in a way that makes sense—in a way that aligns with the priorities of the American people. But the draconian cuts in this bill will not accomplish that. If you showed the American people the tradeoffs in this budget, they would tell Congress to go back to the drawing board and get it right. They would urge us to fund vital programs before cutting taxes for the fifth time in five years.

Why rush through legislation that could have tremendous repercussions on so many in this Nation? Instead, I would urge my colleagues to vote down this bill—take this holiday season to reflect on our Nation's true priorities and needs. Let's start fresh next year and figure out a way to protect future generations without impeding this government's ability to help those that need it the most.

CONFERENCE REPORT ON H.R. 2863,  
DEPARTMENT OF DEFENSE AP-  
PROPRIATIONS ACT, 2006

SPEECH OF

**HON. JIM RAMSTAD**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mr. RAMSTAD. Mr. Speaker, I rise to strongly oppose the use of our brave troops as political cover to open the Arctic National Wildlife Refuge, ANWR, to oil drilling.

Adding the totally unrelated and highly controversial ANWR drilling provision to the Defense appropriations bill (H.R. 2863) is the most outrageous abuse of power I've seen in my 15 years as a member of Congress.

This last-ditch effort to impose oil drilling in the Arctic wilderness by converting the Defense appropriations bill into a "garbage bill" is a great insult to our troops and a flagrant abuse of the legislative process.

We should oppose this heavy-handed, backdoor tactic to impose oil drilling in one of the Nation's last great wilderness areas.

We should vote down the conference report so the conferees can remove the ANWR provision and bring back a clean Defense spending bill tonight for our approval.

I urge members to honor our troops and stand up for the environment by rejecting this conference report.

Let's not hold our brave troops hostage to Arctic oil drilling!

CONFERENCE REPORT ON H.R. 2863,  
DEPARTMENT OF DEFENSE AP-  
PROPRIATIONS ACT, 2006

SPEECH OF

**HON. CAROLYN C. KILPATRICK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Ms. KILPATRICK of Michigan. Mr. Speaker, reluctantly, I rise in opposition to the bill making appropriations for the Department of Defense for fiscal year 2006. Had this bill been limited to providing funding for our Nation's defense and our men and women serving our country, this bill would have my wholehearted support. But there are major sections in this bill that have nothing to do with our Nation's defense. They found their way into this bill because it is "must have" legislation. I refuse to play the game of legislative blackmail. These provisions ought to be stripped from this bill. The majority leadership profanes the military by adding these extraneous provisions. For these reasons, I must vote against this defense-funding bill.

One of the major problems with this bill is that it will make an \$8 billion across the board cut in all 2006 discretionary spending, excluding veterans. I strongly support our veterans but the \$8 billion in cuts include special education, "No Child Left Behind," homeland security, defense spending, low-income heating assistance, job and employment assistance, the Women, Infant, and Children Program, WIC, and many other programs.

The sections authorizing oil drilling in the Arctic National Wildlife Refuge, ANWR, should not be in this defense-spending bill. H.R. 2863 also exempts drug companies from liability. Drug company language does not belong in this bill. Drug companies should be liable when their products cause physical harm or death to consumers. I am also opposed to this bill because I do not think that the Republican leadership should use our troops to accomplish political goals that are unpopular with Americans. For these reasons I must vote against this defense bill.

CONFERENCE REPORT ON S. 1932,  
DEFICIT REDUCTION ACT OF 2005

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Ms. MALONEY. Mr. Speaker, this administration, in concert with this Congress under this leadership, has given us five years of record debt and deficits. It seems that with each new month comes a new dubious record—just last week we learned that the trade deficit for October hit another all-time high.

This reckless fiscal policy has come on the heels of the thriving economy of the 1990s, when we showed that government can be fiscally disciplined and compassionate to our neighbors most in need at the same time.

That time and that economic philosophy is a distant memory, having given way to misguided priorities. Now, instead of fundamentally changing the economic approach that

turned record surpluses into record deficits and that has floated us down a river of red ink, we have the bill that is before us. It gives no real help to our debt and deficits, and it targets programs that need help the most.

By cutting less than one half of one percent of the projected \$14.3 trillion in federal spending over the next five years, we are not returning to fiscal sanity, as supporters of this bill claim.

And despite what some on the other side of the aisle might think, slashing programs that help low-income Americans and our seniors stay healthy and help our young go to college is not sound policy. A \$12.7 billion cut to student loans will not help educate Americans. A \$6.9 billion cut in Medicaid and the State Children's Health Insurance Program will not keep low-income Americans healthy. And a \$6.4 billion cut in Medicare is not beneficial to the well-being of our nation's seniors.

Instead, this bill shows a lack of compassion and a lack of vision for the long-term health and productivity of our Nation. It would be more beneficial if we returned to the sound, balanced-budget vision that guided us through the prosperous '90s.

I urge my colleagues to vote "no" on this uncompassionate bill and to instead focus on a revision of our economic direction.

CONFERENCE REPORT ON H.R. 3199,  
USA PATRIOT IMPROVEMENT  
AND REAUTHORIZATION ACT OF  
2005

SPEECH OF

**HON. JEFF FLAKE**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 14, 2005*

Mr. FLAKE. Madam Speaker, I would like to comment on section 507 of today's PATRIOT Act conference report, which authorizes the U.S. Attorney General to certify whether a state has qualified for the expedited habeas corpus procedures in chapter 154 of title 28 of the U.S. Code. Section 507 is of particular importance to my home State of Arizona, which for many years has satisfied the post-conviction counsel requirements of chapter 154, but which has been unfairly denied the procedural benefits of that chapter by the Ninth Circuit.

Section 507 is similar to a section of the Streamlined Procedures Act, a general habeas corpus reform bill that was introduced earlier this year in the House by Mr. LUNGREN of California, and in the Senate by my Home state colleague, Senator KYL. Section 507 is also virtually identical to an amendment that I filed and sought to offer last month to H.R. 1751, the Secure Access to Justice and Court Security Act of 2005. My amendment had been made in order by the Rules Committee and was listed in House Report 109-279. At the last minute, however, various political objections were made to my amendment and Chairman SENSENBRENNER asked me not to offer it to H.R. 1751. The Chairman assured me that he would accommodate me with regard to this matter on some other legislation. I am pleased to see that he was able to do so on the PATRIOT Act, which now appears that it will be enacted into law sooner than H.R. 1751.

My amendment is designed to give States a real incentive to provide quality counsel to

death row prisoners in State habeas proceedings. It is also designed to keep a bargain that the Federal Government made with the States in 1996. The amendment assigns the U.S. Attorney General to evaluate whether a State is providing qualified counsel to capital prisoners in State habeas proceedings, a condition for receiving the benefits of the expedited habeas procedures of chapter 154 of the U.S. Code. The amendment thus gives States a real chance to qualify for chapter 154 treatment. By ensuring that States will receive streamlined proceedings in Federal court if they provide quality counsel in State habeas court, the amendment will reduce delays in death penalty appeals.

This is a goal that everyone, left and right, should agree with. Even those who passionately oppose the death penalty should want the system to be fair to victims. No one should support a system that routinely forces the family of a murder victim to endure 10, 15, or even 20 years of appeals. Yet in too many cases, that is exactly how our current system works even in cases where there is no real dispute over guilt. In my home State of Arizona, over two-thirds of death row prisoners have finished all of their State appeals and are engaged in Federal habeas litigation. Most of these cases have now been in the Federal courts for five years or more. Ten cases have been in Federal court for 8 years or more, and 5 cases have been in Federal court for more than 15 years. And this is all on top of the time that it takes to complete all state appeals, which usually requires 5 or 6 years.

Under the current system, victims' families are forced to repeatedly relive an awful event throughout the progress of this lengthy litigation. During that process, they must wonder if they will be forced to appear at another hearing, if there will be another trial, or if the person who killed their son or daughter will even be released. They literally are denied closure, the right to forget about the person who killed their loved one and to move on with their lives. And this frequently goes on for more than 15 years. A system that treats crime victims this way is intolerable.

The amendment that I offer today is particularly important to my home State of Arizona. Arizona is both a State that has experienced extreme delays in Federal-court review of capital cases, and a State that has acted to provide quality counsel in state habeas proceeding in response to the offer that the congress made in 1996. The habeas reform of that year created chapter 154 of title 28. This chapter told the States that, if they provide qualified state habeas counsel to capital defendants, the Federal government would streamline Federal court review of capital cases. In Federal court, chapter 154 would limit the claims that defendants could raise, barring virtually all claims that were not properly raised and addressed on the merits in state court. Chapter 154 would apply strict deadlines to Federal court review, requiring the district court to decide the case in 6 months and the court of appeals to rule in 4 months.

Shortly after the 1996 reforms were enacted, the Arizona legislature and the State supreme court implemented a system that would allow the State to opt in to chapter 154. The State created mandatory competency standards for capital post-conviction counsel, and provided funds to attract good lawyers

and allow them to hire necessary experts. The State now spends a lot of money on post-conviction representation for death-row inmates—the median case costs the State \$64,000, while one case cost \$138,000. Again, this is just for State habeas review. It does not include the State's expenses to provide counsel at trial or on direct appeal from the trial. For example, Arizona also guarantees a capital defendant two highly qualified attorneys at trial.

One might think that, in light of all that the State of Arizona has done to provide high-quality counsel to capital defendants, surely it must have qualified for chapter 154 by now and must be enjoying the benefits of that chapter. But that is not what has happened. The problem is simple: under current law, the local Federal court of appeals decides whether a State has opted in to chapter 154. In Arizona, the Ninth Circuit has refused to grant Arizona the benefits of chapter 154. Even though Arizona has lived up to its end of the bargain, the Ninth Circuit refuses to allow the Federal government to abide by its end of the deal.

A case that illustrates the problem is the Ninth Circuit's extraordinary decision in *Spears v. Stewart*, 283 F.3d 992 (2002). The three-judge panel in *Spears* found that Arizona's system for providing post-conviction counsel complied with chapter 154. The court concluded that Arizona's system sets mandatory and binding competency standards for counsel, provides reasonable compensation to counsel, pays reasonable litigation expenses, and offers such counsel to all capital defendants. The court nevertheless managed to find that Arizona could not receive the benefits of chapter 154 because of a delay in appointing counsel. Defense lawyers initially had boycotted this system, and in some cases this resulted in delays. The defendant in *Spears* did not even allege that this delay prejudiced his case. But the Ninth Circuit found this delay a sufficient excuse to deny Arizona the benefit of chapter 154, even though Arizona's system complied with that chapter.

The decision of the *Spears* three-judge panel alone is troubling. The chapter 154 qualification decision is supposed to be a one-time decision. Once a State's system qualifies, the issue is not supposed to be litigated again on a case-by-case basis. Even more disturbing than the three-judge panel's decision, however, is a dissent from the full court's refusal to rehear the case that was signed by 11 active judges of the Ninth Circuit. These 11 judges stated that the panel's decision that Arizona's system qualifies for chapter 154 is merely dicta and not binding in future cases. Although the issue of Arizona's 154 status was squarely before the three-judge panel and was decided by that panel, this gang of 11 judges declared that they would not follow that decision in future cases. As they said: "To put it bluntly, neither we, nor any other court is bound by the panel's advisory declarations in this case." *Spears*, 283 F.3d at 998 (Reinhardt, J., dissenting from denial of rehearing).

A statement by 11 judges that they will refuse to follow their own court's final decision itself is extraordinary, as several other judges noted in *Spears* a concurrence to the denial of rehearing. If a court refuses to abide by its own precedents, litigants can have no way of knowing what the law is and how they should

arrange their affairs. Such behavior does substantial damage to the rule of law.

What such behavior also demonstrates is a refusal to enforce the laws enacted by Congress. It shows that chapter 154 will remain a dead letter so long as the obligation to enforce it remains in the hands of courts such as the Ninth Circuit. It is clear that, if any two of the 11 judges who joined the Spears rehearing dissent are assigned to a future Arizona 154 case, they will not feel obligated to follow Spears and the State will be relitigating the issue of its 154 status from scratch. Indeed, portions of the Spears dissent argue that Arizona's "statutory scheme did not comply with Chapter 154's requirements." *Spears*, 283 F.3d at 1002 (Reinhardt, J., dissenting from denial of rehearing). The tone of the 11-judge dissent also betrays an open hostility to the chapter 154 system.

The trouble with chapter 154 is that the courts assigned to decide when it applies are the same courts that would be bound by the chapter's strict deadlines if a State is found to qualify. Simply put, the regional courts of appeals have a conflict of interest. They decide whether the States are entitled to a benefit which places a burden on the courts themselves. Some prosecutors also believe that refusal to enforce chapter 154 also reflects a hostility to the death penalty—that some judges are ignoring the law because they do not want to see death sentences carried out. If this is true, it is absolutely unacceptable. A judge has an obligation to uphold and enforce a valid law, whether or not he agrees with it.

My amendment makes several changes to chapter 154 to ensure that it provides real and meaningful benefits to States that provide quality post-conviction counsel. First and most importantly, it assigns the 154 certification decision to the U.S. Attorney General and the DC Circuit, rather than the local courts of appeals that have an interest in the case. The Attorney General receives no benefits from chapter 154, and he has expertise in evaluating State criminal justice systems. Just last year, for example, Congress assigned the Attorney General to evaluate State DNA testing and capital counsel systems in the Justice for All Act. Review of the Attorney General's decision in the DC Circuit also is appropriate. Because there is no Federal habeas review of criminal convictions in the District of Columbia, the DC Circuit also has no stake in whether or not a State qualifies for chapter 154.

My amendment, like subsection (d) of section 507, also makes clear that a determination that a State has satisfied the chapter 154 standard as of a particular date will apply retroactively to all pending habeas cases for which the prisoner received State habeas after the certified date. This will ensure that a State will receive all of the procedural and litigation benefits that it should have received had the Federal habeas claim been governed by chapter 154 from the day that it was filed, as it should have been. The proposed paragraph 28 U.S.C. 2265(a)(2) in my amendment makes clear that, once the Attorney General determines that a State established a post-conviction capital-counsel system by a particular date, the chapter 154 eligibility certification shall be effective as of that date. Thus, if a capital prisoner received State habeas counsel after that effective date, the case is governed by chapter 154 in Federal proceedings.

However, some courts might construe 2265(a)(2) to mean that while the chapter 154 system thereafter governs Federal habeas applications that have already been filed, the actual procedural benefits of that chapter—especially the claims limitations and amendment limits would only apply on a going-forward basis—i.e., only to claims or amendments filed after the date of enactment of this law. Thus when I added a few other provisions to the amendment, I also inserted subsection (g), which is the same as subsection (d) of section 507. This subsection, by explicitly applying section 507 and the changes that it makes to all qualified pending Federal habeas cases, should make clear that when Congress says that it wants the new law to apply retroactively, it means that the law will apply retroactively—that it will govern new claims as if it had been in effect as of the effective date of the chapter 154 certification.

Any non-retroactive application of chapter 154 would be fundamentally unfair to States such as Arizona, which has been providing post-conviction counsel to State prisoners for nearly a decade but has been inappropriately denied the benefits of chapter 154 for some cases that already have progressed to Federal habeas. In the Spears case, for example, the Ninth Circuit even found that Arizona's counsel system met chapter 154 standards, but the court nevertheless came up with an excuse for refusing to apply chapter 154 to that case. If the Attorney General and the DC Circuit conclude that Arizona met chapter 154 standards prior to Spears's receipt of counsel, as I am confident that they will, Arizona should receive all of the benefits of chapter 154 for that case and subsequent cases, as if chapter 154 had governed the Federal petition as of the day it had been filed (as it should have). Chapter 154, for example, does not allow cases to be remanded to State court to exhaust new claims (a considerable source of delay on Federal habeas), and it places very sharp limits on amendment to petitions. Arizona should not be forced to litigate claims in Spears's petition that were defaulted, that were unexhausted and sent back to State court, or that otherwise were not addressed by State courts when Spears first filed the petition (unless those claims meet the narrow exceptions in subsection 2264(a)). Nor should the State be forced to litigate claims that were added to the petition in amendments that do not satisfy chapter 154's limits on amendments.

Applying chapter 154 retroactively may seem harsh, but it is important to recall that any prisoner whose Federal petition will be governed by 154 necessarily received counsel in State post-conviction proceedings. Unlike the typical uncounseled State habeas petitioner, who may not have been aware of State procedural rules or of all the potential legal claims available to him, a chapter 154 habeas petitioner will have no excuse for not making sure that all of his claims were addressed on the merits in State court. (Or rather, any excuse will be limited to those authorized in 28 U.S.C. 2264(a).) I believe that, given the resources Arizona has devoted to providing post-conviction counsel, the State should easily qualify for chapter 154. The Ninth Circuit has treated Arizona unfairly by denying it chapter 154 status. If the U.S. Attorney General and DC Circuit agree that Arizona should have been 154-certified when Spears filed his Federal petition, Arizona should be placed in

the same position that it would be in today had the Spears case proceeded under chapter 154 from the beginning.

My amendment also extends the time for a district court to rule on a 154 petition from 6 months to 15 months. I have been informed that the bill that became the 1996 Act originally adopted 6 months as the limit as an initial bargaining position. The intention had been to eventually extend this to 12 months, but because of the politics of the enactment of AEDPA, it was not possible to change this deadline later in the legislative process. My amendment is even more generous than the original authors' intention, giving the district courts 15 months, in recognition of their burdensome caseloads and the fact that they do the real work in Federal habeas cases—they are the courts that hold hearings, if necessary, to identify the truth of a case. This same change was included in subsection (e) of section 507.

Subsection (f) of section 507 is the same as a provision in subsection (e) of my amendment. This subsection codifies the rule of *McFarland v. Scott*, 512 U.S. 849 (1994), which allows a stay to issue on the basis of an application for appointment of Federal habeas counsel (without the actual filing of a petition), but it limits such stays to a reasonable period after counsel is actually appointed or the application for appointment of counsel is withdrawn or denied.

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#### PERSONAL EXPLANATION

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 30, 2005*

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall votes Nos. 664 and 671. Had I been present, I would have voted "aye." Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD immediately following these votes.

H.R. 2520, on Passage, rollcall No. 664, "aye."

H. Con. Res. 275, rollcall No. 671, "aye."

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#### CONFERENCE REPORT ON H.R. 2863, DEPARTMENT OF DEFENSE AP- PROPRIATIONS ACT, 2006

SPEECH OF

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mr. CROWLEY. Mr. Speaker, shame! That is all I can say—both on the way the Republican leadership has governed this country this year—and on how they are using the troops as a political tool to provide huge taxpayer benefits to the oil and gas industry.

Over 2,100 Americans killed in Iraq, and the Republican leadership waits until the last night of Congress—3 months after we needed to fund the military—to pass the spending bill for our troops.

This is called a "must pass" bill, as it is one Congress MUST pass as if we don't, the military will literally run out of money and not be

able to pay our troops, buy supplies and give them shelter.

Specifically, the facts show that without passing this bill, our military is slated to run out of money for Iraq operations in January.

What does this mean? It means the curtailment of training and equipment maintenance activities in the United States to better prepare our troops.

It means that contracts will be severely delayed or canceled to provide body armor, armored vehicles, jammers, and radios needed in the field to keep these guys not only protecting our security but protecting their own lives.

But the politicians in Washington, many of whom have never worn the uniform and have done a heck of a job to avoid service, now stand proud and mighty saying they are working for these troops safety.

And they will again use our troops as a prop to make their so-called case.

But the facts are the troops are the last things on the mind of the White House and this shameful Republican Congress.

This Republican Congress and this Bush White House has continually underfunded our troops and used them as a political prop.

Remember "Mission Accomplished" anyone?!

If Congress cared about our military so, outside of props and campaign commercials, why is this bill 3 months behind schedule?

Why is this bill being used to provide a multi-billion gift to the nation's biggest gas companies, by allowing them to drill in Alaska?

The Republican Leadership attached the can't pass ANWR provision to this must pass bill in the ultimate example of politics gone wrong.

By not giving us the ability to vote on ANWR alone, this does not mean that we approve of this misguided policy.

I thought they were making enough profits off Americans at the pump now—but Congress and the White House think they can make more money for the ExxonMobils of the world—this time off the backs and lives of our troops fighting overseas in Iraq and Afghanistan.

This is the most shameful act I have seen in the most corrupt Congress in American history.

This year America has seen the Republican Majority Leader of the House of Representatives TOM DELAY be indicted on money laundering charges.

America has seen the Republican Majority Leader of the Senate BILL FRIST under investigation for criminal charges—charges like those that sent Martha Stewart to jail.

America has seen a senior Republican Congressman from California, Randy Cunningham, take over \$2 million in bribes through war-profiteering using information he gathered on the House Intelligence Committee.

He sold this confidential information to the highest bidder, but this Congress won't even seize his 6-figure, taxpayer-financed annual pension.

America has seen the U.S. Congress put up for sale to the highest bidder by people like Jack Abramoff and Mike Scanlon.

But tonight, we are seeing something far worse and far more depraved, the complete politicization of our troops, serving in war time, to provide a boon to the oil and gas industry.

There is more shame to go around Congress now than indictments, and that is saying something today in Washington. The Republicans are holding funding for our military, funding for body armor, funding for security for military personnel hostage to keep the world safe for the profits of big energy.

And for that you pay \$2.35 a gallon for gas!

Regardless of what one thinks of the war, we need to protect our sons and daughters fighting over there.

But again, this bill and this Administration falls short, using politics over policy; using political consultants over generals to fight a war.

Who loses? Our troops lose. Their families lose. America loses.

But this bill again reflects the warped priorities of the Bush Administration.

While I am angry about this process and this bill, I will reluctantly vote for it as our men and women in military need these funds immediately—even with these shameful additions.

I won't play the Republicans' game and hold our troops hostage, but I hope the Republicans in Congress and the White House who use our military as a political sound bite or tool to pass their own unrelated items recognize they represent the worst of America.

The blood of American men and women is on their hands for their politics of delay, diversion and division.

I yield back what shame is left in this corrupt institution.

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CONFERENCE REPORT ON H.R. 2863,  
DEPARTMENT OF DEFENSE AP-  
PROPRIATIONS ACT, 2006

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mrs. MALONEY. Mr. Speaker, America's servicemen and servicewomen are the bravest, most valiant and skillful soldiers on earth and because of them, our military is the best in history. As the daughter and brother of war veterans, I am particularly supportive of our Nation's soldiers. The men and women serving America deserve the full support of our Nation. This is why it is particularly distasteful and dangerous when elected officials in Washington play politics with legislation that affects our troops serving right now in Iraq, Afghanistan and elsewhere.

It is tremendously disappointing that the leadership from the other side of the aisle has decided to play politics with this bill. They have taken a straightforward bill to fund our military, knowing that it is destined to pass, and hung politically controversial and unacceptable legislation to it. They have given us a withering Christmas tree.

This is politics at its distasteful worst, and it must be rejected. I am voting "no" on this bill because of the bad governance it represents and because of the bad policy attached at the last minute.

Opening part of the Arctic National Wildlife Refuge to oil drilling creates environmental harm in pursuit of a band-aid for our Nation's energy problems. Instead of putting adequate resources into developing alternative energy sources, which could solve our long-term

problems, some in the Congress and the administration find it easier to go rushing into a treasured wildlife sanctuary for a short-term stopgap.

They were unable to get what they want through the normal legislative process. So, my colleagues on the other side of the aisle used a ploy—they attached their legislation to a defense bill, literally in the middle of the night.

As if that weren't bad enough, this bill has also been saddled with an irresponsible gift to drugmakers, shielding them from liability and giving victims only phantom protections. This is another proposal that did not go through the regular legislative process and could not have passed on its own merits.

Added on to all of that is a one percent across the board cut that will affect homeland security, education and health care programs. It will even chop \$4 billion from the defense budget that supports our troops. Again, this did not go through the regular process and could not have passed on its own merits.

Though I cannot vote for this bill on principle, I am glad that it includes the restoration of \$125 million for sick and injured 9/11 responders. The money was taken back from the responders at the president's request in the Labor-HHS appropriations bill we passed recently. My colleagues in the New York delegation and I worked hard to ensure that the 9/11 heroes can keep the assistance many of them so desperately still need. We were informed shortly before Thanksgiving that the Speaker would find a way to salvage the funds, and I thank him for following through with this action.

Despite the positive aspects of this bill, the other side of the aisle has attached—literally at the last minute—many unrelated items, which makes it impossible to support its passage. Such actions shouldn't be tolerated by this House. I wish to be associated with the comments of my friend and colleague, Mr. OBEY, who has spoken strongly in opposition to the process under which this final bill was created.

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CONFERENCE REPORT ON S. 1932,  
DEFICIT REDUCTION ACT OF 2005

SPEECH OF

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mr. VAN HOLLEN. Mr. Speaker, unfortunately for the American people, this reconciliation spending conference report arrives back in this Chamber substantially unimproved from its original form.

Notwithstanding modest revisions in areas like food stamps, low income heating assistance and physician reimbursement under Medicare, this package represents a warped vision for America: take from those with the least, give to those with the most and tell our children they will have to pay for it all later.

It would be a disgraceful document at any time of the year, but seems particularly Scrooge-like during this Holiday season.

Take Medicaid and the State Children's Health Insurance Program (SCHIP), which this conference report slashes by \$6.9 billion. The cost-sharing and premium increases mandated by this legislation fall entirely on the

poor—who have no other way to access basic health care for themselves and their families.

Or the \$2.6 billion in cuts for child support enforcement, foster care and Supplemental Security Income (SSI), designed to assist single parents, foster children and the disabled. Setting aside the immorality of deliberately targeting the most vulnerable among us, child support enforcement dollars actually save the government money through reduced public assistance costs.

Then there's higher education, whose \$12.7 billion cut accounts for about a third of this \$39.7 billion conference agreement. Though \$1.6 billion less than the House's original draconian proposal, \$12.7 billion remains the single largest cut to student aid in the forty year history of the Higher Education Act. The resulting increase in interest rates, fees and other charges represents an unprecedented disinvestment in our students and their families—at precisely the time our young people are going to need that education the most.

We already know that college graduates earn \$1 million more over their lifetimes than their cohorts who do not attend college, which gives taxpayers a tremendous return on their federal financial aid investment. Additionally, over the course of this past year scores of CEOs from across the country have repeatedly told this Congress that a highly educated workforce is a critical prerequisite for maintaining America's competitive advantage in the knowledge, information and innovation economy of 21st century.

Given these realities, it is the height of penny wise, pound foolish bean-counting to put college even further out of reach for the generation of Americans who will have to face these challenges. Yet that's precisely what this conference report does.

Mr. Speaker, while I commend the conferees for embracing substantial reforms I have long advocated regarding the need to end 9.5 percent guaranteed floor loans and strengthen oversight of schools acting as lenders, this progress does not begin to redeem the damage done by the rest of the legislation.

The \$40 billion in spending cuts tonight's proponents take such pride in pronouncing are in fact dwarfed by \$110 billion in tax cuts this same Congress proposes to enact this year—tax cuts whose benefits flow disproportionately to the wealthiest in our society.

That's right: When all is said and done, the so-called Deficit Reduction Act of 2005 and its accompanying tax legislation will actually increase the deficit by at least \$70 billion over the next five years.

Mr. Speaker, this fiscal policy is irresponsible and it is unjust. I urge my colleagues to vote no.

**BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005**

SPEECH OF

**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to

strengthen enforcement of the immigration laws, to enforce border security, and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

The bill before us today is an unprecedented assault on both documented and undocumented immigrants. It creates policies that are burdensome and that threaten those legitimately seeking asylum.

It also creates new burdens on business. For example, the bill requires all employers to verify within two years that all of their new hires are in the U.S. legally. Those employers would have to verify the immigration status of all employees within six years. Not only is it extremely discriminatory to question the legal status of every new employee, this verification system also places an extremely unreasonable burden on the private sector—both large and small businesses. Instead of creating a new level of bureaucracy for our business owners to have to follow, we just should enforce the laws that we already have in place.

The bill also expands mandatory detention of immigrants, including women and children who come to the United States seeking asylum. Some of these people have been subject to crimes inconceivable to most Americans, and could be subject to even more egregious violations should they be denied asylum. We should not pass legislation that prevents refugees and others seeking persecution from finding safety in our country.

The bill also includes a provision requiring the construction of security fencing along portions of our southern border that have high rates of illegal border crossing, with one of these sections being in my home state of New Mexico. This provision alone creates a false sense of security. Building this fence will not stop the flow of undocumented immigrants into this country—it will only force them to take another route. Additionally, we are not in a position to know what the environmental impact would be on a project of this size. It could severely affect those millions of acres of land surrounding the border, as well as the wildlife living upon it.

This bill misses the mark completely, by its arbitrary and burdensome provisions. We all agree that we need to reform our immigration system. However, Congress missed an opportunity to pass comprehensive immigration reform.

IN HONOR OF THE LIFE OF DR.  
VANG POBZEB

**HON. MARK GREEN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. GREEN of Wisconsin. Mr. Speaker, today I would like to commemorate the life of Dr. Vang Pobzeb, an extraordinary man who recently passed away on August 23, 2005 after a life of passionate service to human rights and Hmong people across the globe.

Dr. Pobzeb began his activism in the mid 1970s and was among the first to achieve national recognition in the Hmong American Community. In 1987 he founded the Lao Human Rights Council—an organization de-

voted to improving the living conditions of Hmong people both in Laos and the U.S. Dr. Pobzeb was a tireless advocate for a people and culture that faced tremendous persecution, and he took every opportunity to remind the international community of the plight of the Hmong people in Laos. I was proud to work together with him, time and time again, in this fight.

Mr. Speaker, it is my distinct honor to commemorate the life of such an incredible man. Dr. Pobzeb was truly an exemplar of compassion and dedication, and on behalf of the citizens of Wisconsin's Eighth Congressional District, I offer my condolences to his family, and pay tribute to his life of activism and sacrifice.

**RECOGNIZING THE SESQUICENTENNIAL OF SAINT JOHNS, MICHIGAN**

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the 150th anniversary of the founding of Saint Johns, Michigan. Saint Johns was established by John Swegles and a team of state officials and land speculators who purchased and platted Saint Johns based on information about a new railroad depot in Michigan. These speculators selected the site in 1853 looking to create a new town along the Detroit & Milwaukee Railroad, however it was not until 1856 that the railroad arrived in Saint Johns.

Today, Saint Johns is affectionately known as Mint City, USA. The State of Michigan produces nearly enough mint flavor to make 6.9 billion sticks of chewing gum each year, the majority of which is produced in and around Saint Johns in Clinton County, MI. Every August, Saint Johns' mint heritage is celebrated with an annual mint festival.

Mr. Speaker, the City of Saint Johns has a rich history and a vibrant future. I ask all my colleagues to join me and the citizens of Saint Johns in recognizing the sesquicentennial of this historic Michigan city.

**CONFERENCE REPORT ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006**

SPEECH OF

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mr. ETHERIDGE. Mr. Speaker, I rise in reluctant support for the conference report on the Fiscal Year 2006 Department of Defense Appropriations bill.

As a veteran of the U.S. Army and as the Representative for Fort Bragg, Pope Air Force Base and numerous Guard and Reserve units, I strongly support our men and women in uniform and their families. This bill contains needed funding for such necessary items as the military pay raise, body armor for our troops in Iraq and vehicle armor for the vehicles that carry them. The base bill is important legislation, and I strongly support it.



However, I deeply regret that the Republican Congressional Leaders have inserted into this bill the extraneous provision to permit oil and natural gas exploration in the Arctic National Wildlife Refuge (ANWR). I oppose the exploitation ANWR through drilling for oil, and I have repeatedly voted against that provision when it has been considered in this House. Unfortunately, the Republican Leaders have decided on a cynical strategy to sneak ANWR into the defense bill. This underhanded maneuver represents the arrogant abuse of power that all too often characterizes the operating style of the current Majority.

I support the defense appropriations conference report, but I encourage my colleagues to defeat the rule so we can take the ANWR provisions out and pass a clean defense bill.

HAPPY 90TH BIRTHDAY  
PROFESSOR ROBERT E. WARD

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. LANTOS. Mr. Speaker, it is with great joy that I rise today and urge all of my colleagues to join me in celebrating the upcoming 90th birthday of an icon of international academia and a pioneer of U.S.-Japanese studies, Professor Robert E. Ward.

Professor Ward was born in San Francisco on January 29, 1916. After graduating from Stanford, he entered the graduate program at the University of California at Berkeley and earned his Master's in Political Science. During World War II, Professor Ward served our country admirably as language officer for Naval Intelligence. He was stationed in the Southwest Pacific and in Washington, and was awarded the signal honor of the Legion of Merit.

Mr. Speaker, after the war Robert Ward returned to Berkeley to continue his education with the intent to study Japanese politics. Three short years later, he received his Ph.D. in political science, writing his dissertation on "Party Government in Japan—Its Development and Electoral Record, 1928–1937," a pioneering effort to apply to Japan the methods of political behavior analysis which at the time was only being applied to Western European countries by American political scientists. This was to be the first of many times that Robert Ward incorporated Japan into the mainstream of social science studies in the United States.

After receiving his doctorate, Robert Ward left California heading east to Ann Arbor, and the University of Michigan he would go on to enjoy a distinguished teaching career. Arriving at Michigan in 1948, with the rank of instructor, Robert Ward encountered a bit of good fortune. For you see Mr. Speaker, during the war the United States Armed Forces had used the University of Michigan as one of its centers for Japanese language training. The University now wanted to utilize this infrastructure to develop an interdisciplinary center for Japanese studies, and given Robert's background he was a perfect fit for this endeavor. During his time at the University, Robert Ward served with distinction, rising from Instructor to Professor in ten years. He was also concurrently a member of the University's Center for Japa-

nese Studies, and a guiding force behind the academic integrity of the center, twice serving as Director of the Center.

Mr. Speaker, after a quarter century of distinguished service to the University of Michigan and its Center for Japanese Studies, Professor Ward heeded the call of his alma mater, and returned to California to become the Director of the Center for Research in International Studies at Stanford University. Although commonplace today, it was considered highly irregular, and a significant breakthrough for the field of Japanese studies to have a specialist in Japanese-American studies receive this prestigious job instead of a European-American studies expert. During his extraordinary tenure at Stanford University, Professor Ward continued to exert tremendous influence in the field of comparative politics and continued to emphasize the importance of Japanese-U.S. studies in the field of political science.

As one would expect of man of incredible intellect and talents, Professor Ward has been recognized throughout his distinguished career with numerous awards and recognitions. If I may, I would like to highlight a few; National Science Foundation Senior Postdoctoral Fellow, Rockefeller Foundation Fellow in Residence, Member of the American Philosophical Society, Member of the American Academy of Science, President of the Association for Asian Studies, President of the American Political Science Association, Chairman of the Social Science Research Council, Member of the National Endowment for the Humanities, and a member of President Carter's Commission on Foreign language and International Studies.

In addition to using his seemingly endless energy on his academic pursuits, Professor Ward also offered his expertise and experience to a number of civic and public activities related to Japan. He was a member, and for many years the Director of the Japan Society of Northern California, a member of the World Affairs Council of Northern California, and also involved with the San Francisco Committee on Foreign Relations. However, the most enduring of Professor Ward's contributions to the growth of Japanese studies in America are to be found in his involvement with the Japan Foundation and the Japan-U.S. Friendship Commission. Professor Ward played an integral role in the development of both institutions and was the chief architect behind the creation of the Japan-U.S. Friendship Commission. Without the incredible efforts of Professor Ward, including the mobilization of his academic colleagues and intense lobbying of members of Congress, it is truly doubtful that the Japan-U.S. Friendship Commission would exist today?

Mr. Speaker, Professor Ward stands out as a towering figure in United States-Japanese cultural, educational, and political relations. It is not an understatement to express that no other person in the post-WWII era has combined the same capacities for scholarship and institution building or has achieved so much for the general field of Japanese studies in America. Professor Ward deserves much of the credit for bringing Japan into the mainstream of social scientific teaching and research in both America and Europe, and of bringing to the study of Japanese politics the categories of inquiry that had previously been applied mainly to the study of western soci-

eties. I urge all of my colleagues to join me in wishing this distinguished academic and extraordinary citizen a happy 90th birthday.

CONFERENCE REPORT ON H.R. 1815,  
NATIONAL DEFENSE AUTHORIZATION  
ACT FOR FISCAL YEAR 2006

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mrs. MALONEY. Mr. Speaker, I rise today in support of the conference report to the "National Defense Authorization Act for Fiscal Year 2006."

I am thrilled that this legislation includes provisions to provide retirement credit to the members of the National Guard serving on State duty who responded to the 9/11 attacks in New York and at the Pentagon.

I, along with Representative KING and other members of the New York delegation, introduced legislation earlier this year which would accomplish the same goal, and I am thankful that the committee has worked with us to correct this inequity.

I especially would like to thank Chairman MCHUGH for his steadfast support of these provisions.

My friend and colleague Representative KING has been invaluable in this endeavor, and I thank him for his efforts.

I also would like to commend Chairman HUNTER, Ranking Member SKELTON, Ranking Member SNYDER, and their staffs for their work on this issue.

Lastly, I would like to acknowledge Senator CLINTON for her support and for introducing the companion legislation in the Senate.

In the aftermath of 9/11, the National Guard responded to the call of duty heroically.

While others were moving toward safety, the Guard moved into unknown dangers around Ground Zero.

They did not know if another attack was coming, but they did not hesitate to respond. All they did was their selfless duty.

For almost a year after 9/11, these National Guard heroes streamlined the movement of rescue personnel during the critical first phases of the response and they endured the toxic air conditions of Ground Zero with thousands of responders.

However, the National Guard units that served in the disaster zones of New York after 9/11 did not receive Federal retirement credit, while the National Guard units that protected Federal sites like West Point are receiving Federal retirement credit.

While protecting Federal sites was an important duty after 9/11, those who risked their lives at Ground Zero, in the most dangerous conditions anywhere in the country, deserve the same fair treatment.

By including these provisions in this conference report, we are showing our gratitude to the brave men and women who responded on September 11th by giving them the retirement benefits to which they are entitled.

I urge my colleagues to support this legislation.

TRIBUTE TO SERGEANT ADRIAN N. OROSCO

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. COSTA. Mr. Speaker, I rise today to honor and remember the life of Sergeant Adrian N. Oroasco who lost his life defending the freedom of our Nation in support of Operation Iraqi Freedom.

A native of Corcoran, CA, Sgt. Oroasco, 26, joined the United States Army in 2001. After his 2 year service contract was completed, Mr. Oroasco re-enlisted for an additional 4 years. Sgt. Oroasco re-enlisted with the hopes that a career in the armed forces would provide a better life for his family and because military service provided him with the opportunity to serve his country in the most noble manner. He was then assigned to the 1st Squadron, 11th Armored Cavalry Regiment at Fort Irwin, California.

Unfortunately, Adrian Oroasco's tour in Baghdad, Iraq ended when an improvised device detonated near his military vehicle on the 9th day of December 2005. In recognition of his sacrifice Sgt. Oroasco has been posthumously awarded the Bronze Star and Purple Heart.

Adrian Oroasco is survived by his wife, Elizabeth and their three children, Adrian, Andrew and Isabelle, all of whom reside in Fort Irwin.

I would like to extend my heartfelt sympathy and most sincere condolences to Sgt. Oroasco's family.

It is my belief that Adrian Oroasco's life symbolizes the ultimate sacrifice one can make for his country. His valor, strength, courage and pride in our Nation will forever live in the thoughts and hearts of his family and Americans across the Nation. In addition, Sgt. Oroasco's dedication to the principles of freedom and democracy will serve as an example to all of us, for generations to come.

**BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005**

SPEECH OF

**HON. LEE TERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes:

Mr. TERRY. Mr. Chairman, I believe that America is at its best when we welcome people from other countries, other cultures and possessing diverse skill sets. I believe that, in fact, this strengthens our country.

I need only to go back a couple of generations to see this in my family, who immigrated to this amazing country from Ireland and Eastern Europe.

But my ancestors came legally and that is the question, in part, before us today. We

have lost control of both our northern and southern borders, our maritime border is porous and anyone with the most innocent or worst of intentions can walk or drive into the United States and assimilate into our communities.

This illegal immigration must be stopped.

Securing our border is the proper first step. This Act authorizes a thousand new border patrol agents and properly equips them with modern technology. More needs to be done to properly secure our ports of entry along our east and west coasts and our northern and southern borders. For the many agencies involved this is a large but very important task.

Employers are provided better means to information, allowing them to determine whether or not the potential hire is properly documented. This Act also places some responsibility on employers to make such a determination.

We must revise our current laws to allow legal and secure immigration.

I am disappointed that this bill doesn't include a sensible, nonamnesty guest-worker provision. We have the opportunity to take the lead on this aspect of immigration policy and it would be a mistake to ignore it.

A good guest-worker statute recognizes that folks from around the world and yes, from Mexico, desire to work in the United States to earn good wages to help their families, and these workers add to the value of our country and its economy.

A guest-worker statute should ensure that the guest-worker is not a criminal, is not associated with a terrorist organization, is healthy and has an employer-sponsor. The employer must have some responsibility to actually hire this person for the entire duration of the worker's time in the United States and notify the proper agency if the worker changes or leaves the employer.

As the great nation we are, we should welcome those who want to contribute and not accept those who refuse to live under our rule of law.

**BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005**

SPEECH OF

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes:

Mr. ISRAEL. Mr. Chairman, I am disappointed that I must rise today in opposition to H.R. 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act. I am enormously concerned with our Nation's lack of border security and the dysfunctional nature of our current immigration system. Our Nation's immigration laws are disrespected both by those who cross our bor-

ders illegally and by the businesses that hire those illegal immigrants. Unfortunately, the legislation we are considering today does little to realistically solve these problems. I'm saddened to say that it is based not on policy, but on politics.

I support important amendments to this bill that will help secure our borders and cut down on illegal immigration. For instance, I support the amendment offered by Representative HUNTER of California requiring the construction of reinforced fencing, along with lights, cameras and sensors, along high priority areas of the U.S.-Mexican border. Additionally, I support the amendment offered by Representative NORWOOD of Georgia that authorizes and empowers local law enforcement officials to help enforce immigration laws.

However, this legislation addresses only half the problem our Nation currently faces. Nearly 11 million undocumented immigrants currently live within our borders. That's 11 million people living in the shadows whom we know next to nothing about. This legislation criminalizes these 11 million people, pushing them further into the shadows, and does not consider the impact this will have on our legal system. For instance, this bill does not address the number of pro-bono, taxpayer funded attorneys these immigrants will need to fight their criminal charges in court nor does it address the hundreds of new prisons that would need to be built in order to house 11 million new criminal aliens.

Ultimately, I support a comprehensive immigration policy that is good for families, national security and the economy. Comprehensive immigration legislation introduced by Senator JOHN MCCAIN of Arizona would substantially secure our Nation's borders. Beyond that, it would fine those immigrants already here illegally and punish employers that hire illegal immigrants. However, it would also give the 11 million undocumented immigrants in our country, along with others who are not yet in the U.S. but who hope to one day live and work here legally, a chance to earn legal status. After paying a fine, proving they have been employed in the United States and undergoing a background check, immigrants living here illegally prior to the enactment of the bill would be eligible to apply for a new, non-immigrant visa, and after six years given an option to apply for permanent residency. Additionally, an essential worker visa category, with market-based caps, would be established for new immigrants. These immigrants would be given the option to apply for permanent citizenship after four years.

The McCain bill punishes illegal immigrants for breaking the law but also acknowledges that we cannot act as though we have solved our immigration problem by ignoring the 11 million illegal immigrants already living in our country. As my votes on the Hunter and Norwood amendments prove, I support strong enforcement of our immigration laws and measures to make our borders more secure. But I believe that the only way to fix our broken immigration system is to ensure that, beyond enforcement, we take a realistic approach and acknowledge the immigrants currently living within our borders and those that will likely wish to come in the future.

## PENSION PROTECTION ACT OF 2005

SPEECH OF

**HON. DIANA DeGETTE**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2005*

Ms. DeGETTE. Mr. Speaker, I rise today in strong support of comprehensive pension reform, a topic that has been weighing heavily on the minds of thousands of my constituents, not to mention workers and retirees across the country. While I agree with many of the provisions of H.R. 2830, I cannot in good conscience support the bill in its current form. In fact, some provisions could make the current situation worse.

I don't believe it's fair to rush through this complicated issue, one that is so critical to workers and retirees, without meaningful public debate and thorough consideration of alternatives. I had hoped to support this legislation, but I have many misgivings in its current form. We need to make it harder, not easier, for companies to unload pensions onto the taxpayers. We need to give employers more, not fewer incentives to keep their promises to retirees. And we need to return the PBGC to sound financial footing to protect the retirement security of hardworking Americans. On whole, many provisions in this bill will be a marked improvement over current law, but I cannot support it because we can do much better.

For years, workers depended on employer-sponsored pensions to pay their bills and live comfortably in retirement. But now workers and retirees live in fear of losing these benefits, which they have rightfully earned over long careers. Each week it seems another company is considering bankruptcy filing, and too often the first costs they want to unload are promises to pensioners. Nationwide, the pension system is underfunded by \$450 billion. We must do what we can to require companies to take all possible steps to fulfill the promises they make to workers. Unfortunately, the bill before us may make the problem worse, and could force even more companies to unload their pensions.

The bill fails to shore up the Pension Benefit Guaranty Corporation, the government insurer of defined benefit pensions. The PBGC is currently \$24 billion in the hole, and if we do not take meaningful steps now, it will require a taxpayer bailout. I support a Democratic alternative that would make it harder for companies to unload their obligations to the PBGC, and help return the agency to solvency. This option was not even given the benefit of an up-or-down vote.

Another major concern I have with this legislation is its lack of protection for older workers. Cash balance plans, hybrid plans that have become attractive alternatives to traditional pension plans, can unfairly discriminate against older employees. When companies switch to cash balance plans, older workers often see their promised benefits summarily reduced. Even the Bush administration has recognized these complications, and I would like to see a pension bill with more adequate protections for older workers.

This bill also fails to hold company executives to the same standards they expect of their rank-and-file employees. When faced with financial problems, CEOs have made de-

isions to cut the benefits earned by employees and unloading pension obligations onto the federal government. Far too often, these executives escape with multi-million dollar benefit packages, leaving the company in bankruptcy and workers in poverty. Congress has the chance to require our business leaders to act in the best interest of their firm and their employees, and sacrifice along with them if the financial situation is beyond repair.

I am also concerned that this bill does not have sufficient disclosure requirements. Beneficiaries have the right to know the funding status of their pensions, and companies should not be allowed to keep this information from regulators or retirees. Current law allows companies to use accounting techniques to make their pensions seem more solvent than they really are. This needs to stop, but bill does not go far enough.

Mr. Speaker, on the same day voters are going to the polls in Iraq, democracy has been subverted in this distinguished chamber. The majority has not allowed adequate time for debate on this measure, refused to allow the consideration of amendments, and did not allow the Democrats to offer a common-sense alternative. This is no way to legislate, and we can do better.

## DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

SPEECH OF

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, December 17, 2005*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to support the reauthorization of the Violence Against Women Act, VAWA, as part of the Department of Justice Appropriations Authorization Act. In particular, I thank the conferees for including my provision to establish a national resource center to help employers address the negative consequences of domestic and sexual violence in the workplace.

Since the Violence Against Women Act was first passed in 1994, law enforcement has enhanced its response to crimes involving violence against women, Federal prosecutors have increased actions against perpetrators of domestic violence, and many critical services and programs have been created to assist victims of such violence.

Yet, despite the protections of VAWA, every year thousands of women are forced to stay in abusive relationships because they lose their jobs and therefore are unable to provide for themselves and their children. To protect them from this negative economic impact the national resource center will provide employers with the information and expertise they need to keep their employees while helping them address the violence in their lives. This will also benefit employers who, according to the Bureau of National Affairs news service, lose \$3 to \$5 billion annually in lost time and productivity. I am very pleased that starting in 2007 the center is authorized to receive \$1 million annually for 5 years.

Mr. Speaker, once again I thank my colleagues for working with me to include the creation of a national resource center in the

reauthorization of VAWA. The center will be a critical step in protecting the economic security of victims of domestic violence and empowering them to end their cycle of violence. I look forward to working with my colleagues to further ensure the financial independence of domestic violence victims by passing my bill, H.R. 3185, the Security and Financial Empowerment, SAFE, Act.

## CONFERENCE REPORT ON S. 1932, DEFICIT REDUCTION ACT OF 2005

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mrs. MALONEY. Mr. Speaker, I rise in support of the deposit insurance provisions of this legislation which implement reforms that are long overdue and that I have worked on for a long time. I strongly support the Safe and Fair Deposit Insurance Act of 2005, which provides for establishment of the Deposit Insurance Fund and for the merger of the Bank Insurance Fund and the Savings Association Insurance Fund into it. I also support the Deposit Insurance Reform Act of 2005, which revises requirements for deposit insurance.

Unless this bill passes before year end, community and regional bankers could face higher deposit insurance premiums, taking capital out of communities and sending it to Washington.

Congress has been considering major reforms to the nation's federal deposit insurance system for several years. From the time I joined this Committee at the close of the S&L crisis, I have been committed to legislation and oversight of the banking system, including deposit insurance reform, that ensures we will not repeat that crisis.

Just this year the House voted 413-10 to pass deposit insurance reform as a stand-alone bill, H.R. 1185. As an original cosponsor of H.R. 1185, as well as its predecessor in the 108th Congress, I am a long-time supporter of this reform bill.

It is long past time to merge the insurance funds. Additionally, eliminating the 23 basis point cliff and providing a new premium system that takes into account the past contributions of institutions are major steps forward. The mechanism for determining credit for past contributions is based on an amendment I cosponsored with former Rep. Bereuter last Congress. This provision is critically important as premiums banks pay to the FDIC limit their ability to make loans in the communities they serve. This balanced amendment is now part of the legislation.

In the House bill there was debate over what number should be the new limit of insured funds. The budget reconciliation conferees crafted a compromise that will provide safety and stability to our nation's financial system by giving the FDIC increased flexibility to administer deposit insurance. It will also benefit consumers by raising coverage levels for certain retirement accounts and adjust coverage for inflation.

For over 70 years our constituents—both banks and accountholders—have depended on the deposit insurance system to protect their savings and maintain the safety and

soundness of the banking system. We should pass this legislation to ensure the future of deposit insurance and our banks.

INTRODUCTION OF RESOLUTION  
OF INQUIRY WARRANTLESS SPY-  
ING ON AMERICAN SOIL

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. CONYERS. Mr. Speaker, today I am introducing a Resolution of Inquiry H. Res. 643 requesting the Attorney General to transmit to Congress documents reflecting the legal justification for spying on American soil without judicial approval. I introduce this Resolution on behalf of myself and Mr. BERMAN, Mr. BOUCHER, Mr. NADLER, Mr. SCOTT of Virginia, Ms. LOFGREN, Ms. JACKSON-LEE, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Mr. SCHIFF, Ms. LINDA SÁNCHEZ, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. McDERMOTT, Mr. FILNER, Mr. MARKEY, Ms. SCHAKOWSKY, Ms. TAUSCHER, Ms. LEE, Ms. MCCOLLUM, Mr. UDALL of New Mexico and Mr. HOLT.

It is my hope that the Administration will voluntarily comply with this straightforward request. However, if they do not, this Resolution will require a vote in the Committee, and possibly the House floor so that the Members can go on record concerning whether this is an important enough issue to warrant Congressional oversight. I believe we simply cannot tolerate a situation where the Administration is both laying down and interpreting the law on its own accord, and not even sharing with the Members of Congress what the legal justification for such a program is.

Last week we learned that the President has been using the National Security Agency to conduct surveillance involving U.S. citizens on U.S. soil, in apparent contravention of the Foreign Intelligence Surveillance Act. This week we learned that contrary to the President's assertions that the wiretapping included only foreign calls, some of the intercepted communications were conducted entirely within the United States. As a result of these disclosures, one member of the FISA Court, Judge James Robertson, resigned, and the presiding judge of the court has sought a classified briefing to address their concerns that the NSA program was illegal and may have been improperly used to gain further wiretaps from their court.

These revelations raise some of the most serious legal and constitutional questions conceivable in our democracy—whether our own government is able to intercept our most private conversations without establishing to any independent party that such eavesdropping is in any way necessary or related to a possible crime. For 25 years under FISA we have created special procedures for obtaining intelligence information on U.S. soil. The standard for getting a wiretap warrant from the Foreign Intelligence Surveillance Court is so low that only 5 out of the 19,000 applications have been denied since 1978. We even allow FISA orders to be obtained on a retroactive basis for the first 72 hours, in case the government needs to move with great speed.

However, for some reason the Bush Administration has opted not to use the FISA laws to obtain surveillance orders involving a number of people located on U.S. soil. As one official told the Washington Post, "the FISA process demanded too much: to name a target and give a reason to spy on it."

The purpose of this Resolution of Inquiry is to allow Congress to obtain the necessary information so we can learn precisely what the legal basis was for this great expansion of executive power. We are not asking to learn about the names or identities of the individuals who have been surveilled, at this point we simply want to learn on what legal basis the surveillance orders were issued. The Administration has proposed a number of legal theories to the press to justify the NSA wiretaps, ranging from the President's authority as Commander In Chief to general authority included in the post 9/11 Afghanistan Resolution.

PERSONAL EXPLANATION

**HON. HENRY J. HYDE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. HYDE. Mr. Speaker, on December 16, 17, 18, and 19, 2005, I was absent for several votes for personal reasons. Had I been present, I would have voted: rollcall No. 648, Passage Victory in Iraq, "yes," rollcall No. 649, Zimbabwe's "Operation Murambatsvina," "yes," rollcall No. 650, Hamas and Terrorist Organizations, "yes," rollcall No. 651, Independent Iraqi Judiciary, "yes," rollcall No. 652, Motion to Instruct Conferees, "no," rollcall No. 653, Goodlatte/Herseth Amendment, "yes," rollcall No. 654, Stearns Amendment, "yes," rollcall No. 655, Sensenbrenner Amendment, "yes," rollcall No. 656 Norwood Amendment, "yes," rollcall No. 657, Westmoreland Amendment, "yes," rollcall No. 658, Gonzalez Amendment, "no," rollcall No. 659, Sullivan Amendment, "no," rollcall No. 660, Motion to Recommit, "no," rollcall No. 661, Passage Illegal Immigration Control Act, "yes," rollcall No. 662, Assassination of Lebanese Prime Minister, "yes," rollcall No. 663, On Agreeing to the Resolution, "yes," rollcall No. 664, Passage Stem Cell Research Act, "yes," rollcall No. 665, On Agreeing to the Conference Report (H. R. 1815), "yes," rollcall No. 666 On Agreeing to the Resolution (H. Res. 639), "yes," rollcall No. 667, Presidential and Parliamentary Elections in Egypt, "yes," rollcall No. 668, Motion to Recommit, "no," rollcall No. 669, On Agreeing to the Conference Report (H. R. 2863), "yes," rollcall No. 670, On Agreeing to the Conference report (S. 1932), "yes," and rollcall No. 671, Education Curriculum in the Kingdom of Saudi Arabia, "yes."

A TRIBUTE TO CPL. JOSEPH R.  
POKORNY

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. MURPHY. Mr. Speaker, on behalf of the U.S. House of Representatives, I rise to honor the priceless life and courageous public service career of State Police Corporal Joseph R. Pokorny.

Fearless, responsible, tough, professional, elite, hero. These are some of the apt words that Joseph's friends and colleagues have used to describe him in recent days. Thousands have mourned the loss of Corporal Pokorny, who was senselessly killed in the line of duty during the early morning of December 12, 2005.

Born in Uniontown, Pennsylvania, Joseph and his family moved to Center as a young boy. He graduated from Center Area High School in 1978 and attended Indiana University. Joseph later graduated from the Pennsylvania State Police Academy in Hershey in 1983, before embarking on a distinguished law enforcement career of 22 years.

In 2000, he was promoted to the rank of corporal—a monumental accomplishment on the elite Pennsylvania State Police force. Joseph always served with uncommon courage, a firm commitment to protecting the public, and a fervent passion for the American way of life.

Of all the recent tributes to Corporal Pokorny, perhaps the greatest compliment paid to him was that a close friend who grew up with Joseph said, "he was a real Pittsburgh guy."

During this holiday season, my thoughts and prayers have especially been with Corporal Pokorny's parents, Joseph Sr. and Florence, and his teenage son and daughter, Joseph, and Alexandra. They were the most important people in Joseph's life.

The world is a safer, better place because of Joseph Pokorny. My fellow citizens of southwestern Pennsylvania and I owe Corporal Pokorny a debt of gratitude that can never be repaid. He will be deeply missed.

TRIBUTE TO TODD PATKIN, YOUNG  
LEADER AND PHILANTHROPIST

**TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. LANTOS. Mr. Speaker, I invite my colleagues join me in paying tribute a young man who is part of the new generation of philanthropic leaders—Todd Patkin of Massachusetts. Todd is an impressive young man, and although he has just turned 40, he has been remarkably successful in the business world and is now devoting his life to helping others.

Todd grew up in the Boston area, where he graduated from Tufts University. He married, had a family, and worked in the family auto parts business for the next 18 years. Using his amazing organizational and business talents, the company became remarkably successful, expanding from 18 to 62 stores in the New England and New York area. His business acumen was recognized in 2004 by Auto International Associate when he was named "Young Executive of the Year."

Mr. Speaker, Todd recently sold his regional business operations to the second largest retailer in the country, giving him the financial freedom to pursue his passion to help others.

One of his major philanthropic initiatives has been to assist his friend, Gary Marino, to help Americans children and adults with problems of obesity and poor nutrition. Todd is funding the making of a major motion picture which focuses on Gary's life story and on his "Million

Calorie March” from Florida to Boston in which took place in 2005.

Working with opera star Andrea Delgadice, Todd also founded the Todd G. Patkin Opportunity Performing Art Center. It brings the highest quality vocal, dance and acting instruction to its students, many of whom are from the less-advantage areas of Brockton, Massachusetts, and are receiving full scholarships because of their economic need.

Todd recently made a substantial contribution to the Boston Medical Center for its Todd and Yadira Patkin Sickle Cell Anemia Clinic. He has also provided significant financial support to the Boston chapter of the Anti-Defamation League, where he and Andrew Tarsy will be managing a new initiative to combat bigotry and intolerance in greater Boston.

Todd has had a positive impact internationally as well, Mr. Speaker. He supports two charities in the State of Israel—the Jewish National Fund, which is chaired by Ronald Lauder, and the Yemin Orde Youth Village headed by Chaim Peri. The village is perhaps the most advanced orphanage in Israel and the world. It focuses on helping children, who frequently have been orphaned under devastating circumstances, to become happy and productive members of society. Today over two-thirds of the 300 children in the village are Jews of Ethiopian descent.

#### PERSONAL EXPLANATION

### HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. KOLBE. Mr. Speaker, on December 16, 17, and 18, 2005, I missed the following votes due to previous commitments in my Congressional district:

S. 1932, On Motion to Instruct Conferees, Budget Reconciliation, 2006 (#652). Had I been present I would have voted “nay.”

H.R. 4437, On Passage of the Border Protection, Antiterrorism, and Illegal Immigration Control Act (#661). Had I been present I would have voted “nay.”

H. RES. 623, On Agreeing to the Resolution providing for consideration of motions to suspend the rules (#663). Had I been present I would have voted “aye.”

H.R. 2520, Suspend the Rules and Agree to the Senate Amendment, Stem Cell Therapeutic and Research Act (#664). Had I been present I would have voted “aye.”

H.R. 1815, On Agreeing to the Conference Report, National Defense Authorization Act, FY 06 (#665). Had I been present I would have voted “aye.”

H. RES. 639, On Agreeing to the Resolution waiving points of order against the conference report on H.R. 2863, Department of Defense Appropriations, FY 2006 (#666). Had I been present I would have voted “aye.”

H.R. 2863, On the motion to recommit conference report with instructions for the appropriations bill for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes (#668). Had I been present I would have voted “nay.”

H.R. 2863, On Agreeing to the Conference Report for the appropriations bill for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes

(#669). Had I been present I would have voted “aye.”

S. 1932, On Agreeing to the Conference Report for Budget Reconciliation, 2006 (#670). Had I been present I would have voted “aye.”

H.R. 2863

### HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. WU. Mr. Speaker, now that the most egregious provision has been stripped out the Defense Appropriations bill, I rise to offer my support for this important legislation.

When the House first voted on this measure early Monday morning on December 19, I opposed this bill because, among other reasons, it included a provision to permit oil and gas drilling in ANWR. The Arctic Refuge is one of the last, wild, untouched places left in the United States—with an abundance and variety of wildlife. Not only was I concerned about the environmental impact of opening up ANWR to drilling and exploration, but I was also opposed to the inclusion of this unrelated provision in a defense bill. I am glad that the ANWR provision has been stripped from this bill.

The remaining bill will do a great deal to support our troops. It appropriates a total of \$453.5 billion for defense programs, including \$50 billion in emergency spending for military operations in Iraq and Afghanistan. I am pleased that it contains language, authored by Senator JOHN MCCAIN that bars any U.S. personnel, including civilians, from engaging in “cruel, inhumane, or degrading” treatment of detainees. I am particularly pleased it includes funds for an average 3.1 percent pay increase for the men and women in our armed forces. H.R. 2863 also includes funding for certain special pay and bonuses for reserve personnel.

With that said, and while I now support this bill in its final form, I am concerned about a number of remaining provisions in the bill. Among other things, H.R. 2863 includes a provision to provide virtually unlimited liability protection to the drug industry, while providing illusory and unfunded compensation to any potential victims. We must be prepared in case of a flu pandemic, including ensuring our first responders are ready. Yet, the Republican bill uses the threat of a flu pandemic as an excuse to push the Administration’s agenda of giving unwarranted and broad liability protection to the drug industry for a broad array of products.

I am also concerned about the bill’s inclusion of funding for the national missile defense (NMD) system. The bill before us includes \$7.8 billion for this system. While we should always stand alert with a strong national defense, the NMD system is scientifically unproven, fiscally irresponsible, and grossly inaccurate. There are better ways to improve our defense.

Last, I share many of my colleagues concerns over this bill’s provision to cut all non-emergency discretionary spending, except for VA programs, by 1 percent. As a result, K–12 education will see a cut of \$1 billion this year; LIHEAP, which helps many people heat their homes, will be cut by \$21 million; and Local

Law Enforcement Block grants, which goes to help our first responders, will be cut by \$315 million. While I agree that we must be fiscally responsible, we cannot do so at the expense of vital social and federal programs that assist our communities.

Mr. Speaker, I support our troops, and I believe in a robust defense. But we cannot use this legislation to hold our troops politically hostage to unwise policies. I am pleased that ANWR has been stripped out of this bill, and I strongly support its passage now that it has been removed.

H.R. 2863—DOD APPROPRIATIONS  
CONFERENCE REPORT

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. UDALL of New Mexico. Mr. Speaker, I applaud the removal of a provision from the Department of Defense Appropriation bill that would have allowed drilling in the Arctic National Wildlife Refuge (ANWR). This pristine wilderness area deserves to be protected, and furthermore, a Defense Appropriations bill was an entirely inappropriate vehicle to use to attempt to approve drilling in ANWR. For those and other reasons, I opposed passage of H.R. 2863 on December 19, 2005.

I am greatly pleased, however, that the Senate rejected the inclusion of the ANWR language, and removed the rider from this important appropriations bill. I still have grave concerns over several provisions still included in H.R. 2863, however, when it is passed into law our brave soldiers will get the resources they need to do the job overseas and return home safely as quickly as possible.

THE DEPARTMENT OF DEFENSE  
APPROPRIATIONS CONFERENCE  
REPORT

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. ENGEL. Mr. Speaker, on December 19, 2005, I voted against the Department of Defense Appropriations Conference Report as it was considered by the House of Representatives. While I voted for the Defense Authorization Act and normally would support a Defense Appropriations bill—especially with our troops in harm’s way—this year I regrettably had to vote against the legislation.

I did so largely because the Republican majority inserted a provision allowing oil drilling in the Arctic National Wildlife Refuge (ANWR). This controversial measure was repeatedly rejected through the democratic process, but the Republican leadership preferred to hold the Defense Appropriations bill—and our troops in the field—hostage to the effort to drill in this pristine wildlife refuge. Moreover this legislation contained a 1 percent across the board cut in non-defense discretionary spending.

Mr. Speaker, America cannot drill its way to independence from foreign oil. Tapping ANWR would produce barely a drop in the bucket of the amount of oil we consume in this Nation.

Even if we started drilling in ANWR today, we would not see any of that oil until 2012.

Rather than drilling in the Arctic wilderness and extending our reliance on oil, we must increase fuel efficiency, diversify our sources of energy, and promote clean alternatives. We need to invest and focus on ways to reduce our consumption of oil. This is why Congressman JACK KINGSTON (R-NY) and I have introduced The Fuel Choices for American Security Act, which sets meaningful and achievable goals, all of which can be accomplished using new technologies that are already proven, effective and efficient.

I, therefore, am very pleased to learn that the Senate has struck the ANWR drilling provision from the Defense Appropriations Conference Report. It is my understanding that this bill will now pass the House by unanimous consent, and will be sent to the President for signature.

CONFERENCE REPORT ON H.R. 2863,  
DEPARTMENT OF DEFENSE AP-  
PROPRIATIONS ACT, 2006

SPEECH OF

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Ms. McCOLLUM of Minnesota. Mr. Speaker, by including the legislative provision to drill and destroy the Arctic National Wildlife Refuge (ANWR) in this defense appropriation conference report (H.R. 2863), the Republican majority has demonstrated their on-going abuse of power, their shameless collusion with the oil industry and a distasteful willingness to exploit the needs of U.S. troops at war in Iraq and Afghanistan in order to achieve their policy desires, regardless of the cost. This is a cynical strategy to pass a provision designed for the oil industry, a provision that has already been rejected by this House earlier this year. The fact that the Republican majority is using our brave men and women serving in the armed forces as political cover to ensure that the provision allowing for oil drilling in ANWR is passed by this House shows the majority's desperation, their deception and their willingness to undermine our democratic process.

The intended purpose of this bill is to provide the resource for the defense of our nation. It is to ensure the men and women serving in the armed forces have the training, the protective gear, the equipment and all of the necessary support to execute their missions in Iraq, Afghanistan, Korea, Europe and here at home. The men and women of the U.S. Armed Forces comprise the greatest fighting force the world has ever known and they not only keep the citizens of the U.S. safe from a world filled with very real threats, they are serving the cause of peace and security around the world. I commend our troops and our military leadership for their service and sacrifice, as well as the dedication of their families.

Of the more than \$450 billion appropriated in this bill, much of the defense related expenditures are necessary for national security. I strongly support the 3.1 percent pay raise for military personnel. The allocation of more than \$7 billion for the ballistic-missile defense sys-

tem continues to be a waste for tax dollars since the program has failed many of its critical tests and by all accounts is a boondoggle.

The language in the bill that bans torture by all U.S. personnel, including civilian defense and intelligence personnel, sets the appropriate standard by which the U.S. should conduct itself—even in a war against terrorism. Senator JOHN MCCAIN should be commended for his perseverance and determination not to yield to President Bush and Vice President CHENEY's demands that torture be permitted under certain circumstances. Torture is an inhumane practice that is the antithesis of America's values and moral obligations as a defender of international human rights.

In addition to allowing drilling for oil in ANWR, this bill has a number of nondefense provisions that are objectionable. The across-the-board cut included in H.R. 2863 will total an additional \$8 billion in cuts to services critical to our families. This will result in another \$28 million cut to No Child Left Behind, bringing the total cut this year to \$1 billion. This is in addition to the \$40 billion this law has been under-funded by the Republicans since its passage.

Also included in this bill are funds to prepare for a possible Avian Flu pandemic. While I support providing funding for this work, the Republicans have included a provision providing unlimited liability protection to the pharmaceutical industry. Instead of having an honest debate about the needs of health care workers, public health systems and local governments in the case of a pandemic, Republicans have chosen only to worry about another of their strong allies—the drug companies.

H.R. 2863 also claims to provide new funding for Katrina relief which I support. However, this bill includes only \$5 billion—not nearly enough to allow families to begin to rebuild their lives and their community. And it relies on a complicated scheme of possible revenues from drilling in ANWR and sales of spectrum to fund relief. In addition, Republicans used this opportunity to push through a divisive school voucher plan that was defeated by the Education and Workforce Committee. This plan will allow \$645 million in taxpayer schools to go to private and religious schools that do not have to adhere to the accountability requirements of public schools.

Mr. Speaker, I strongly support our troops. Overall, this bill however, is an example of the shameless and abusive tactics used over and over again by this Republican party to force their special interest agenda on the American people. It shows again that the Majority does not represent the values of American families, but rather values their corporate contributors. I urge my colleagues to reject this outrageous bill.

PERSONAL EXPLANATION

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Ms. ROYBAL-ALLARD. Mr. Speaker, due to the death of a family member, I was not present for rollcalls 665 through 671 on Sunday, December 18 and Monday, December 19. Had I been present, I would have voted

“nay” on rollcalls 666, 669, 670 and “yea” on rollcalls 665, 667, 668, and 671.

HONORING THE LIFE OF SPC RICHARD JUNIOR DE GRACIA NAPUTI

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life of one of Guam's sons, SPC Richard Junior De Gracia Naputi, 24, U.S. Army, of Talofofo, Guam. Sadly, on December 20, 2005, our nation lost SPC Naputi. SPC Naputi was killed in action while serving in Taji, Iraq in support of Operation Iraqi Freedom. Born and raised in Guam, he left the only home he knew to serve and defend his country. Assigned to the 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division in Fort Benning, Georgia, SPC Naputi embodied the proud history and traditions of his unit whose motto was “Can Do” and whose lineage traces back to the Civil War.

My thoughts and prayers are with the Naputi family during this time of loss. I join his parents, Richard and Naputi, his wife Brienne, and all of Richard's extended family and friends, in mourning the loss of Richard and in honoring the dignity of his life. While the loss of SPC Naputi is painful for our entire island and our nation, he now joins that solemn fraternity of heroes who have put their country before themselves and made the greatest sacrifice. Heeding the Christmas message of “Peace on earth,” Richard's loss leads us to reflect upon the sacrifices made by the men and women who shoulder the responsibility of protecting our liberties and our freedoms. To these men and women, we owe a debt of gratitude that is simply unpayable.

During this difficult time, the people of Guam and I are keeping the Naputi family in our thoughts and prayers. I also extend my prayers to the many men and women continuing to serve around the world in the cause of freedom. God bless the Naputi family, God bless our men and women in uniform and God bless America.

ON THE RETIREMENT OF THOMAS F. MCHUGH

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Ms. SLAUGHTER. Mr. Speaker, I rise today to recognize and celebrate the 37 years of public service Mr. Thomas F. McHugh has devoted to the City of Rochester. His hard work and commitment to the city's development will set an example for current and future public servants, and Rochester is grateful for all that Mr. McHugh has contributed.

Mr. McHugh grew up in Ancram, Massachusetts. His father was in the insurance business and his mother was a teacher. It was from them that he learned the importance of a strong work ethic and a responsibility to community. He carried these lessons with him as studied at University of Syracuse and moved to Rochester upon his graduation.



Mr. McHugh began his career with the City of Rochester, serving 5 years as Project Director in the Department of Urban Renewal & Economic Development. In that capacity, he directed the \$100 million, 175-acre Upper Falls Urban Renewal Project. From there, he moved to the Rochester Housing Authority where he has served as the Executive Director of the Rochester Housing Authority for the past 32 years. As Executive Director, he has ensured that low-income families, elderly, people with disabilities and many other members of the community have access to quality affordable housing.

Mr. McHugh has greatly expanded the affordable housing opportunities in the City of Rochester and Monroe County. When Mr. McHugh started with the RHA in 1974, it had approximately 1,100 Public Housing Units and 93 employees. Today RHA consists of 2,440 Public Housing units, 7,700 Assisted Housing units and 195 employees. Even with the addition of so many units, the Rochester community continues to regard RHA in the highest terms because of the commitment to keep properties in good repair. Mr. McHugh has developed and nurtured collaborations and partnerships with numerous public service agencies and community organizations. He has continuously maintained a positive working relationship with not only the City of Rochester, but also Monroe County, and State and Federal agencies.

While administering housing for more than 10,000 households is a daunting task in and of itself, under Mr. McHugh's leadership, RHA has used its resources in an effective and efficient manner. RHA has reported solid financial performance year after year and achieved high ratings in HUD's assessment programs for Section 8 and public housing.

Mr. McHugh spearheaded the effort to redesign Rochester's first public housing complex, the State-built Hanover Houses that consisted of seven high rise building for low-income families. He replaced the Hanover Houses with townhouse units to house families, seniors and people with disabilities that maintain a much greater degree of livability and security.

Mr. McHugh greatly expanded the scope of resident and educational services at RHA. Through the Family Investment Center Department and a Social Services Department, RHA has provided to thousands of residents training on family self-sufficiency, computers, construction trades apprenticeships, GED attainment and job placement. RHA also now has resources and staff available to assist residents who need counseling services for drug prevention or other types of intervention. Under Mr. McHugh's leadership, RHA developed a summer camp program which serves over 250 young people and created an after school tutoring program. RHA has nutrition programs for seniors and provides a senior escort van to transport them to shopping and doctor appointments.

Mr. McHugh's public service has not been limited to only the Rochester Housing Authority. During his 32-year career at RHA he has had long time affiliations, board memberships and service on committees with many organizations such as: Council of Large Public Housing Agencies (CLPHA), National Association of Housing and Redevelopment Officials (NAHRO), Middle Atlantic Regional Council of NAHRO, National Leased Housing Association, National Low-Income Housing Coalition,

Regional Council on Aging, Legal Aid Society of Rochester, Women's Career Center, St. John the Evangelist Church, Sisters of Mercy Founders Club, SWV Realty Corporation, Monroe Housing Development Corporation, GEVA Theatre, Downstairs Cabaret Theatre, Rochester Area Educational Television Association, Blue Cross of Monroe County, Project Self-Sufficiency Monroe County Task Force, Marie and Joseph Wilson Foundation, Workforce Investment Board and the Family First Federal Credit Union.

Through Mr. McHugh's leadership, compassion and commitment, thousands of people have been able to improve the quality of their lives because they had a good quality, safe, and affordable home. Many have used RHA as a springboard to better jobs, self-sufficiency and home ownership. He is a shining example of the difference one devoted individual can make in providing quality affordable housing opportunities, building communities, encouraging self-sufficiency and protecting the dignity of people with limited resources while at the same time safeguarding the public trust.

As Mr. McHugh heads into retirement, it is with great pleasure that I recognize and commend Mr. McHugh for his 37 years of dedicated and successful public service. If a man can be judged wealthy because he has friends and colleagues who both respect and admire him, then Thomas F. McHugh is truly a wealthy man. He leaves a great legacy that can serve as an example to all of us. My most sincere and heartfelt congratulations go out to Mr. McHugh for a job well done.

CONFERENCE REPORT ON S. 1932,  
DEFICIT REDUCTION ACT OF 2005

SPEECH OF

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to the Republican's so-called budget reconciliation plan. This bill cuts vital services to families to provide tax cuts for the most fortunate. At the same time that the majority adds to our Nation's exploding Federal budget deficit.

The conference committee unfortunately failed to alleviate the draconian cuts in the original House version of this bill. The conference report before us slashes Medicaid, reducing access to health care for children and families, the elderly, and persons with disabilities. It continues the Republican plan to balance the budget on the backs of students by including \$13 billion in cuts to student financial aid: The bill increases costs for local government and decreases services for families by cutting funding for child support enforcement, foster care, and other child welfare programs.

Conferees also chose to disregard the common-sense cost saving measures passed in the Senate bill. The bill before us does not include the elimination of the PPO slush fund which is a \$10 million giveaway to the insurance and drug industry. Republicans have once again chosen to prioritize corporations over families.

Mr. Speaker, this bill is an outrage. It is outrageous that Republicans dare to claim fiscal responsibility while preparing to pass \$60 bil-

lion in tax breaks for the wealthy. It is outrageous that to pay for these giveaways to their wealthy friends, American families will lose access to health care, critical services, and an affordable college education. And it is outrageous that the leadership of this House is passing this shameful bill in the early hours of the morning while the American public is sleeping.

This reckless bill should be defeated and urge my colleagues to join me in voting against it.

CONFERENCE REPORT ON H.R. 2863,  
DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

SPEECH OF

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mr. CONYERS. Mr. Speaker, I rise in opposition to the legislation. Specifically, I oppose the avian flu liability provision which provides sweeping blanket immunity for the drug companies while again leaving American citizens unprotected. This legislation, which appears both unconstitutional and contrary to federalism, has not been reviewed by any committee of jurisdiction. In fact, this language was added to the Department of Defense Appropriations Conference Report in the middle of the night, long after the conferees approved the bill.

Under the current provision, punitive damages for any claims are barred, allowing for no corporate liability. Drug companies that engaged in the worst kinds of abuses could not be penalized by juries. In addition, the legislation limits the total liability of any manufacturer or distributor. The result is no out of pocket payments by reckless corporations and no real recovery for injured citizens.

Consider this example: The Secretary of Health and Human Services declares a potential public health emergency and designates a vaccine as a countermeasure. Later production of the vaccine demonstrates that the vaccine has vast problems with its potency and may render the vaccine harmful. With this knowledge, the company still sends the vaccine to thousands of distributors and when it is administered, the result is numerous deaths. Under this provision, families who are trying to gain compensation for their losses are left without recourse.

This provision requires that before an injured person can pursue a claim, the Secretary of HHS must determine, by clear and convincing evidence, that there was willful misconduct on the part of the manufacturer, distributor, or administrator of a covered product. First, this would insure that no injured person, including first responders and medical personnel, would have coverage. Second, it is doubtful that "willful misconduct," which is defined as actual knowledge that a covered product would cause harm, could actually be proven. Third, even if an injured victim proved willful misconduct by clear and convincing evidence, the massive tort reform such as no punitive damages and capped non-economic damages would severely limit any compensation.

In addition, this portion of the conference report applies to a wide range of drugs, vaccines, and other products. The provision does

not limit its application to only new drugs or vaccines used in a pandemic context. Instead, it applies to any "drug, biological product or device" that is used to treat or cure a pandemic, epidemic or limit the harm that a pandemic or epidemic might cause. As drafted, this legislation would include drugs such as Tylenol or Advil.

Finally, the conference report falsely claims to establish a compensation process. This "compensation process", under the sole direction of the Secretary of HHS, is governed by regulations created by the Secretary alone and includes caps on compensation awards. Further, no monies have been appropriated for the fund and consequently, the "compensation process" is whole inoperable. The provision has no true compensation program.

Attached to my statement is a letter from Professor Erwin Chemerinsky, Alston & Bird Professor at the Duke University School of Law which further outlines the problems and issues concerning this preparedness provision. Instead of putting the burden on the victim by cutting compensation and protecting the drug manufacturers, we must ensure corporate accountability and protection for our citizens. I strongly urge a "no" vote.

ALSTON & BIRD PROFESSOR OF LAW  
AND POLITICAL SCIENCE, DUKE  
UNIVERSITY SCHOOL OF LAW,

December 20, 2005.

DEAR SENATOR: I understand that the Congress is considering legislation that has been denominated as the "Public Readiness and Emergency Preparedness Act." This legislation would give the Secretary of Health and Human Services extraordinary authority to designate a threat or potential threat to health as constituting a public health emergency and authorizing the design, development, and implementation of countermeasures, while providing total immunity for liability to all those involved in its development and administration. In addition to according unfettered discretion to the Secretary to grant complete immunity from liability, the bill also deprives all courts of jurisdiction to review those decisions. Sec. (a)(7). I write to alert the Congress to the serious constitutional issues that the legislation raises.

First, the bill is of questionable constitutionality because of its broad, unfettered delegation of legislative power by Congress to the executive branch of government. Under the nondelegation doctrine, Congress may provide another branch of government with authority over a subject matter, but "cannot delegate any part of its legislative power except under the limitation of a prescribed standard." *United States v. Chicago*, M., St. P. & P.R. Co., 282 U.S. 311, 324 (1931). Recently, the Supreme Court endorsed Chief Justice Taft's description of the doctrine: "the Constitution permits only those delegations where Congress 'shall lay down by legislative act an intelligible principle to which the person or body authorized to [act] is directed to conform.'" *Clinton v. City of New York*, 524 U.S. 417, 484 (1998)(emphasis in original), quoting *J.W. Hampton, Jr., & Co. v. United States*, 276 U.S. 394, 409 (1928). The breadth of authority granted the Secretary without workable guidelines from Congress appears to be the type of "delegation running riot" that grants the Secretary a "roving commission to inquire into evils and upon discovery correct them" of the type condemned by Justice Cardozo in *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495, 553 (1935)(Cardozo, J., concurring).

Second, the bill raises important federalism issues because it sets up an odd form

of federal preemption of state law. All relevant state laws are preempted. Sec. (a)(8). However, for the extremely narrow instance of willful (knowing) misconduct by someone in the stream of commerce for a countermeasure the bill establishes that the substantive law is the law of the state where the injury occurred, unless preempted. Sec. (e)(2). The sponsors appear to be trying to have it both ways, which may not be constitutionally possible. The bill anticipates what is called express preemption, because the scope of any permissible lawsuits is changed from a state-based to a federally based cause of action. See *Beneficial Nat'l Bank v. Anderson*, 539 U.S. 1, 8 (2003).

Usually, that type of "unusually 'powerful'" preemptive statute provides a remedy for any plaintiff's claim to the exclusion of state remedies. *Id.* at 7 (citation omitted). Here, rather than displace state law in such instances, the bill adopts the different individual laws of the various states, but amends them to include a willful misconduct standard that can only be invoked if the Secretary or Attorney General initiates an enforcement action against those involved in the countermeasure and that action is either pending at the time a claim is filed or concluded with some form of punishment ordered.

Such a provision raises two important constitutional concerns. One problem is that this hybrid form of preemption looks less like an attempt to create a federal cause of action than an direct attempt by Congress to amend state law in violation of *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938) and basic principles of federalism. Although Congress may preempt state law under the Supremacy Clause by creating a different and separate federal rule, see *Crosby v. Nat'l Foreign Trade Council*, 530 U.S. 363, 372 (2000), it may not directly alter, amend, or negate the content of state law as state law. That power, the *Erie* Court declared, "reserved by the Constitution to the several States." 304 U.S. at 80. It becomes clear that the bill attempts to amend state law, rather than preempt it with a federal alternative, when one realizes that States will retain the power to enact new applicable laws or amend existing ones with a federal overlay that such an action may only be commenced in light of a federal enforcement action and can only succeed when willful misconduct exists. The type of back and forth authority between the federal and state governments authorized by the bill fails to constitute a form of constitutionally authorized preemption.

The other problem with this provision is that the unfettered and unreviewable discretion accorded the Secretary or Attorney General to prosecute an enforcement action as a prerequisite for any action for willful misconduct violates the constitutional guarantee of access to justice, secured under both the First Amendment's Petition Clause and the Fifth Amendment's Due Process Clause. See *Christopher v. Harbury*, 536 U.S. 403, 415 n. 12 (2002). In fact, the Court has repeatedly recognized that that "the right of access to the courts is an aspect of the First Amendment right to petition the Government for redress of grievances." *Bill Johnson's Restaurants v. NLRB*, 461 U.S. 731, 741 (1983), citing *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972). First Amendment rights, the Supreme Court has said in a long line of precedent, cannot be dependent on the "unbridled discretion" of government officials or agencies. See, e.g., *City of Lake wood v. Plain Dealer Pub. Co.*, 486 U.S. 750, 757 (1988). At the same time, the Due Process Clause guarantees a claimant an opportunity to be heard "at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). The obstacles

placed before a claimant, including the insuperable one of inaction by the Secretary or Attorney General, raise significant due process issues. The Supreme Court has recognized that official inaction cannot prevent a claimant from being able to go forth with a legitimate lawsuit. See *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982). The proposed bill seems to reverse that constitutional imperative.

Third, the complete preclusion of judicial review raises serious constitutional issues. The Act, through Sec. 319F-3(b)(7), expressly abolishes judicial review of the Secretary's actions, ordaining that "[n]o court of the United States, or of any State, shall have subject matter jurisdiction," i.e., the power, "to review . . . any action of the Secretary regarding" the declaration of emergencies, as well as the determination of which diseases or threats to health are covered, which individual citizens are protected, which geographic areas are covered, when an emergency begins, how long it lasts, which state laws shall be preempted, and when or if he shall report to Congress.

The United States Supreme Court has repeatedly stressed that the preclusion of all judicial review raises "serious questions" concerning separation of powers and due process of law. See, e.g., *Johnson v. Robison*, 415 U.S. 361 (1974); see also, *Oestereich v. Selective Service System Local Board No. 14*, 393 U.S. 233 (1968); *McNary v. Haitian Refugee Center, Inc.*, 498 U.S. 479 (1991); *Reno v. Catholic Social Services*, 509 U.S. 43 (1993). Judicial review of government actions has long regarded as "an important part of our constitutional tradition" and an indispensable feature of that system," *Lehnhausen v. Lake Shore Auto Parts Co.*, 410 U.S. 356, 365 (1973).

The serious constitutional issues raised by this legislation deserve a full airing and counsels against any rush to judgment by the Congress. Whatever the merits of the bill's purposes, they may only be accomplished by consideration that assures its constitutionality.

ERWIN CHEMERINSKY.

UNITED STATES-BAHRAIN FREE  
TRADE AGREEMENT IMPLEMENTATION  
ACT (H.R. 4340)

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 22, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to the United States-Bahrain Free Trade Agreement Implementation Act (H.R. 4340).

The Kingdom of Bahrain has been an American ally in the Persian Gulf for decades, and I support expanding opportunities for trade between our nations. Trade is a valuable tool to strengthen America's global partnerships and advance a higher quality of life at home and abroad. The U.S.-Bahrain Free Trade Agreement, however, does not pursue trade that is free and fair. Rather, it expands a system of globalization that benefits large multinational corporations at the expense of working people and their families.

Under this free trade agreement, Bahrain is only required to comply with its domestic labor laws, which do not need to be consistent with international recognized labor rights. As a result, workers can be denied their right to organize and bargain collectively and have no guarantee of freedom from child labor, forced

labor, and discrimination. In turn, the playing field for U.S. workers and goods produced in the U.S. must be lowered to compete with the current standards of our trading partner.

This Congress knows better. Just four years ago, this House passed a free trade agreement with another country in the Middle East, Jordan, by voice vote. The U.S.-Jordan Free Trade Agreement affirmed the rights of workers and explicitly stated that it was "inappropriate to encourage trade by relaxing domestic labor laws." It is extremely disappointing that the agreement before us today could not live up to this standard and do more to protect the rights of workers.

The U.S.-Bahrain free trade agreement also fails on environmental protection. Under this agreement, the labor and environmental dispute process is inferior to that provided for commercial provisions. Monetary fines for environmental and labor violations are capped at \$15 million. This amount is lower than that for commercial violations and likely too low to deter the most severe violations.

This free trade agreement also undermines the quality of life of working families in other ways. It extends patent protection for pharmaceutical companies, extending the time before generic drugs may enter the market. This denies working families affordable access to the prescription drugs they need, to the benefit of already successful drug companies.

For these reasons, I oppose this free trade agreement and encourage my colleagues to vote against this legislation.

NESsT SOCIAL ENTERPRISE COMPETITION FOR CENTRAL & EASTERN EUROPE

**TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 22, 2005*

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in recognizing an important competition that will take place in early 2006 in Croatia, the Czech Republic, Hungary and Slovakia.

The regional Social Enterprise Competition for Central & Eastern Europe is sponsored by the Nonprofit Enterprise and Self-sustainability Team (NESsT). The competition will bring together social entrepreneurs and local civil society organizations to submit proposals for achieving greater financial sustainability through social enterprise. The mission of this competition merits the attention of my colleagues in the House because it is inextricably linked to the role of civil society organizations as advocates for freedom, human rights and public welfare in emerging democracies.

Mr. Speaker, I am certain that all of us remember the euphoria that accompanied the collapse of the Berlin Wall and the demise of communism just a decade and a half ago.

With Members of this House and people around the world, I recall the joy of seeing democracy and human rights restored to long-suffering peoples of Central Europe and the former Soviet Union. I remember watching in amazement as Berliners from both halves of the divided city danced on the Berlin Wall. I joined people from around the world as we chipped a piece from that disappearing Wall. I was with the Czech students celebrating in the streets of Prague.

The struggle for democracy and human rights is far from over in this region and elsewhere in the world. As the United States strives to help emerging democracies such as Ukraine, Georgia, and Afghanistan, efforts by NESsT and other non-governmental organizations (NGOs) through activities such as the social enterprise competition are critical in helping to promote the rights and interests of the public in emerging democracies.

Mr. Speaker, Central and Eastern Europe received an enormous amount of foreign assistance throughout the 1990s, which assisted former communist countries to transition to more open and democratic societies. However, in recent years, this region has seen significant cuts in U.S. foreign assistance. Despite these cuts in funding, the needs of civil society organizations in this region continue to grow.

The limits on democratic development assistance in Central and Eastern Europe resulted in some serious questions about the viability of civil society organizations to assist in democratic development. What role should social enterprise play in encouraging growth, upholding worker rights, and protecting natural resources? What role can civil society organizations play in democratic development if they are beholden to the whims of foreign donors? NGOs, such as NESsT, have found innovative and cost-efficient ways to strengthen the financial sustainability of civil society organizations working for social change and development in emerging market countries.

The NESsT-sponsored competition seeks to expand the network of financially sustainable civil society organizations throughout the region. Through the competition, NESsT will apply a venture capital approach, also known as venture philanthropy, to providing the financial and technical support to the region's civil society organizations.

Mr. Speaker, venture philanthropy involves applying the tools of the for-profit sector to expand the reach of the community organizations. Venture philanthropists often offer loans and equity equivalents rather than traditional donations; engage nonprofit managers with an array of technical and strategic advisory service; build organizational capacity through the development of skills and networks; and, most important of all, set clear performance goals and expect "portfolio members" to achieve concrete social and/or financial returns on investment.

I would like to pay tribute to the principal sponsor of the competition, the Nonprofit En-

terprise and Self-Sustainability Team (NESsT). From its offices in Budapest and Santiago, this organization has emerged as an international leader in the effort to foster social entrepreneurship and venture philanthropy in developing nations. NESsT's co-founders, Nicole Etchart and Lee Davis, direct initiatives that clearly address the challenges and needs of NGOs in Central Europe and Latin America.

Mr. Speaker, for all these reasons and many more, I urge my colleagues to join me in recognizing the important mission of the Social Enterprise Competition for Central and Eastern Europe and the outstanding contributions of its principal sponsor, the Nonprofit Enterprise and Self-Sustainability Team.

CONFERENCE REPORT ON H.R. 2863,  
DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT, 2006

SPEECH OF

**HON. EARL POMEROY**

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 18, 2005*

Mr. POMEROY. Mr. Speaker, I rise to say that although I will be voting for H.R. 2863, I would like to express my disappointment about several of the provisions in the Act. These extraneous provisions should not have been included in this important bill that is helping to fund and support our troops.

First, I am concerned about the inclusion of aid for students displaced by Hurricane Katrina both procedurally and substantively. While I believe that schools serving displaced students must be reimbursed for educational expenses associated with these students as soon as possible, I am concerned that the system in this bill will create a continuing voucher system, which will not be in the best interest for teachers, students, or parents. I am not satisfied that this program will provide the best relief for students and it is my hope that the program will only be utilized in this emergency time and will sunset as provided next August.

I am also concerned about the 1 percent across the board cut contained in the bill. This cut will reduce defense spending by \$4 billion. These cuts will affect funding of important homeland security programs, such as the Customs and Border Patrol and Immigration and Customs Enforcement, education programs including No Child Left Behind, and FBI funding, including a reduction of new hires for the counterintelligence/counterterrorism department.

I am disappointed in both of the above provisions, which I feel should have been considered separately. For this reason, I voted against the rule that allowed these provisions to be permitted for consideration in the Defense Appropriations bill.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S14423–S14425*

**USA PATRIOT Act Extension:** Senate concurred in the amendment of the House to S. 2167, to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006, clearing the measure for the President. **Page S14424**

**Signing Authority—Agreement:** A unanimous-consent agreement was reached providing that all applicable signing and appointments authorities be extended through the adjournment of the Senate and that Senator Warner be authorized to sign duly enrolled bills and joint resolutions. **Page S14424**

**Printing Authority—Agreement:** A unanimous-consent agreement was reached providing that the text of S. 1783, as passed by the Senate on November 16, 2005, be printed. **Page S14424**

**Nominations Returned to the President:** The following nominations transmitted by the President of the United States to the Senate during the first session of the 109th Congress, and upon which no action was had at the time of the sine die adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

Defense Base Closure and Realignment Commission:

James H. Bilbray, of Nevada, to be a Member of the Defense Base Closure and Realignment Commission.

Philip Coyle, of California, to be a Member of the Defense Base Closure and Realignment Commission.

Admiral Harold W. Gehman, Jr., United States Navy, Retired, of Virginia, to be a Member of the Defense Base Closure and Realignment Commission.

James V. Hansen, of Utah, to be a Member of the Defense Base Closure and Realignment Commission.

General James T. Hill, United States Army, Retired, of Florida, to be a Member of the Defense Base Closure and Realignment Commission.

Samuel Knox Skinner, of Illinois, to be a Member of the Defense Base Closure and Realignment Commission.

Brigadier General Sue Ellen Turner, United States Air Force, Retired, of Texas, to be a Member of the Defense Base Closure and Realignment Commission.

James H. Bilbray, of Nevada, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate.

Philip Coyle, of California, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate.

Admiral Harold W. Gehman, Jr., United States Navy, Retired, of Virginia, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate.

James V. Hansen, of Utah, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate.

General James T. Hill, United States Army, Retired, of Florida, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate.

General Lloyd W. Newton, United States Air Force, Retired, of Connecticut, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate.

Anthony Joseph Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate.

Samuel Knox Skinner, of Illinois, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate.

Brigadier General Sue Ellen Turner, United States Air Force, Retired, of Texas, to be a Member of the Defense Base Closure and Realignment Commission, to which position she was appointed during the last recess of the Senate.

Department of Justice:  
Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

The Judiciary:  
Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

In the Air Force:  
Air Force nominations beginning with Brigadier General Dana T. Atkins and ending with Brigadier General Johnny A. Weida, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2005.

Air Force nomination of Colonel James A. Buntyn to be Brigadier General.

Air Force nominations beginning with Colonel Brock John T. Strom and ending with Colonel Richard J. Utecht, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Air Force nominations beginning with Colonel Gregory A. Biscone and ending with Colonel Tod D. Wolters, which nominations were received by the Senate and appeared in the Congressional Record on November 4, 2005.

In the Army:  
Army nomination of Colonel Freddie R. Waggoner to be Brigadier General.

Army nomination of Col. Julia A. Kraus to be Brigadier General.

Army nomination of Maj. Gen. Eric T. Olson to be Lieutenant General.

Army nomination of Col. Gilberto S. Pena to be Brigadier General.

Army nomination of Col. Rodney J. Barham to be Brigadier General.

Army nomination of Col. Larry L. Arnett to be Brigadier General.

Army nomination of Col. Otis P. Morris to be Brigadier General.

In the Navy:  
Navy nomination of Captain David J. Mercer to be Rear Admiral (Lower Half).

Navy nomination of Tito P. Dua to be Captain.

Navy nomination of Lance C. Esswein to be Commander.

Page S14425

Messages From the House: Pages S14424–25

Enrolled Bills Presented: Page S14425

**Adjournment:** Senate met at 8 p.m., and, in accordance with the provisions of H. Con. Res. 326, adjourned sine die at 8:04 p.m., until 12 noon, on Tuesday, January 3, 2006 for a pro forma session, and then adjourn automatically until 10 a.m. on Wednesday, January 18, 2006.

## Committee Meetings

No committee meetings were held.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 7 public bills, H.R. 4647–4653; and 5 resolutions, H. Con. Res. 329–330; and H. Res. 643–645, were introduced.

Pages H13188–89

**Additional Cosponsors:** Page H13189

**Reports Filed:** Reports were filed today as follows:

H.R. 4438, to establish special rules with respect to certain disaster assistance provided for Hurricane Katrina and Hurricane Rita (H. Rept. 109–364).

Page H13188

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Wolf to act as Speaker pro tempore for today.

Page H13177

**Amending the USA PATRIOT Act to extend the sunset of certain provisions of such act:** The House agreed by unanimous consent to H.R. 4647,

to amend the USA PATRIOT Act to extend the sunset of certain provisions of such act.

Pages H13178–79

**Amending the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006:** The House agreed by unanimous consent to S. 2167, amended, to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006, after agreeing to the Sensenbrenner amendment.

Pages H13179–81

**A concurrent resolution correcting the enrollment of H.R. 2863:** The House agreed by unanimous consent to S. Con. Res. 74, a concurrent resolution correcting the enrollment of H.R. 2863.

Pages H13181–83

**Adjournment Sine Die Pending Receipt of Senate Message:** Agreed by unanimous consent that when the House adjourns today pursuant to this order, it adjourn to meet at 11 a.m. on Monday, December 26, 2005, unless it sooner has received a message from the Senate transmitting its adoption of H. Con. Res. 531, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution. **Page H13183**

**Senate Message:** Message received from the Senate today appears on page H13178.

**Senate Referrals:** S. 716 and S. 1182 were referred to the Committee on Veteran Affairs; S. 119 was referred to the Committee on the Judiciary; S. 1184 was referred to the Committee on International Relations; and S. 1315 and S. 2170 were held at the desk. **Page H13186**

**Quorum Calls—Votes:** There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

**Adjournment:** The House met at 4 p.m. and at 4:36 p.m., pursuant to the previous order of the

House of today, the House stands adjourned until 11 a.m. on Monday, December 26, 2005, unless it sooner has received a message or messages from the Senate transmitting its adoption of House Concurrent Resolution 326, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

## *Committee Meetings*

No committee meetings were held.

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## NEW PUBLIC LAWS

*(For last listing of Public Laws, see DAILY DIGEST, p. D1333)*

H.R. 4440, to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma. Signed on December 21, 2005. (Public Law 109–135)

## House

No committee meetings are scheduled.



## Next Meeting of the SENATE

12 noon, Tuesday, January 3, 2006

## Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Tuesday, January 3, 2006

## Senate Chamber

Program for Tuesday: Senate will meet in a pro forma session.

## House Chamber

Program for Tuesday: The House will meet in a pro forma session.

## Extensions of Remarks, as inserted in this issue

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