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House of Representatives

The House met at 10 a.m.

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

Eternal God, guide and protector of Your people, grant us unfailing respect for Your holy name and for Your holy presence in the people we meet today.

Consecrate the work of this Congress. Raise up statesmen here and abroad who will recognize Your holy will in the waves of history and the will of the people whom they serve.

May the peace and prosperity of this Nation be secured, while our attention is expanded and genuine concern for others is deepened by sincerity.

Your bountiful resources of the Earth are plentiful enough, Lord, and can even be multiplied by the ingenuity and cooperative labor of people working together.

For Your many gifts, we give You praise, honor and thanksgiving now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LINDA T. SÁNCHEZ of California 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.

PARLIAMENTARY INQUIRY

Mr. LAHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. State your inquiry.

Mr. LAHOOD. Mr. Speaker, I have noticed at least one occasion when a Member announced he was opposed to a measure when he sought to offer a motion to recommit but then voted ''yes'' on passage of the bill.

Mr. Speaker, is that regular order?

The SPEAKER. As Members are aware, the first element of priority in recognition for a motion to recommit is whether the Member seeking recognition is opposed to the main measure. This criterion is not a matter of record at that point. Instead, it depends on the statement of the Member seeking recognition. Under the practice of the House exemplified in Cannon's Precedents, volume 8, section 2770, the Chair accepts without question an assertion by a Member of the House that he is opposed to the measure in its current form.

The Chair is cognizant of the possibility that a very close question can engender a genuine change of heart during the collegial discussions that occur during proceedings in recommittal and passage. But it is hard to believe that such genuine changes of heart might occur on regular bases. So the Chair must ask all Members to reflect on how important it is that the Chair be able to rely on the statement of a Member in judging whether he qualifies over another who is truly opposed to offer a particular motion.

The instance recorded in the Deschler-Brown Precedents, volume 12, chapter 29, section 23.49, is instructive. As articulated in an apology by the ranking minority member of the Committee on Appropriations in 1979, ''the honorable, if not technical, duty of a Member offering a motion to recommit is to vote against the bill on final passage.'' The Chair asks each Member to give thoughtful consideration to this sentiment.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize up to 10 Members on each side for 1-minute speeches.

GITMO

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

Ms. PRYCE of Ohio. Mr. Speaker, I rise today on behalf of our military. It has been 4 years since terrorists killed more than 3,000 innocent people and it seems that Democrats still do not understand who the enemy is.

They have turned their rhetoric to the American soldiers who guard the prison at Guantanamo Bay which houses some of the world's most wanted and is vital to the war on terror. Their efforts have provided some very valuable intelligence, intelligence that will save countless lives and keep our country secure. Yet some would rather use it as a political tool than honor those who serve there.

I hope our troops cannot hear them.

What is more, they would rather focus this Congress on investigating our own troops than on investigating enemy combatants, would-be terrorists, and threats to our homeland. You would think that the party of Truman and FDR would reserve comparisons to Nazis, the Holocaust and Pol Pot for al Qaeda, Saddam's ethnic cleansing, or Osama bin Laden.

But no. Those are the words they use to describe our troops in the field, our military command, and our soldiers at Guantanamo.

I hope our men and women in uniform cannot hear them.

RESTORE FUNDING FOR PUBLIC BROADCASTING

(Mr. MEEKS of New York asked and was given permission to address the

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House for 1 minute and to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, I rise this morning to urge the House to restore full funding for public broadcasting. The Republican House appropriators' unwise decision to cut funding totaling 45 percent is offensive to the millions of Americans who rely on PBS for news and information. Parents depend on PBS to provide their children with wholesome programming that is educational and free of charge. But not only children benefit from PBS. Their programs and services also educate adults and engage people in the sciences, history and arts; and inform viewers and listeners of local and world events. As a result, PBS programming helps Americans engage as literate citizens of their respective communities.

The Republican Party who preaches about family values and morality is turning its back on millions of Americans who seek decent, wholesome programming free from the smut and violence that has infested the airwaves. Only the GOP would assassinate Big Bird, Elmo and Barney with one vicious swipe of their mean-spirited, budget-cutting sword.

It is time that my friends on the other side of the aisle match their values rhetoric with their actions and restore full funding for our families by giving PBS the Federal moneys it justly deserves.

CONCERNING THE ROLE OF GUANTANAMO BAY PRISON

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

Ms. ROS-LEHTINEN. Mr. Speaker, the detention facility at Guantanamo Bay is of strategic importance in winning the global war against terrorism. Guantanamo provides the United States with a secure interrogation center to gain essential intelligence information from terrorists. Illegal enemy combatants held at Guantanamo Bay include terrorist trainers, bombmakers, would-be suicide bombers and terrorist financiers. Through the detainees held at this facility, we have learned about the detonation system used in roadside bombs in Iraq by the insurgency, bombs that have killed our troops and innocent Iraqi citizens. Detainees include 20 of Osama bin Laden's personal bodyguards as well as one of the architects of the September 11 attacks and suspected 20th hijacker in the attack on our country on September 11.

GITMO is designed to save the lives of our citizens and our service men and women from future acts of terror. Let us continue to support this important mission to protect the safety of our constituents and our Nation.

LOBBYING REFORM

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

Mr. EMANUEL. Mr. Speaker, yesterday in the Senate we heard testimony of blatant fraud masquerading as a legitimate lobbying operation. And also yesterday, the Washington Post ran a front page story detailing the excesses of K Street, known as Lobbyists Avenue.

Mr. Speaker, it is clear that these are gold rush times for professional lobbyists in Washington, DC. Since 2000, the number of professional lobbyists has more than doubled, to 34,000. Professional lobbyists have become the full service ''back office'' to Congress, arranging lavish fact-finding trips, writing legislation, and functioning as an employment agency for Members and staff.

Just as we put distance between donors and Members of Congress when they run for office, we need to do the same when it comes to professional lobbyists and Members of Congress who write the laws. Our bill, the Meehan-Emanuel bill, slows the revolving door between government and lobbying, enhances disclosure and transparency, curbs privately funded congressional junkets and gives teeth to enforcement mechanisms. With congressional approval at all-time lows, we must act now to restore public confidence.

Mr. Speaker, when your gavel comes down, it should mark the opening of the people's house, not the auction house.

SOCIAL SECURITY

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

Mr. MCHENRY. Mr. Speaker, Social Security is going broke and we need to fix it. The question is how. When the baby boomers begin to retire in 2008 and 2009, the only way to save Social Security is then to cut benefits by 30 percent or raise taxes by $600 billion a year.

The Democrats believe in tax hikes. In fact, the only Democrat proposal to reform Social Security is to raise your taxes. But the best way to reform Social Security is with personal accounts, to get a better return on our investments. And there are a lot of proposals out there. In fact, Ways and Means Committee leaders actually came up with a good plan yesterday that has personal accounts, that everyone paying into the system would get a personal retirement account by using the Social Security surplus that we have for the next few years. I like this idea because it means politicians cannot spend the money and it is a true lockbox for every citizen that pays taxes.

We need to have personal retirement accounts, Mr. Speaker, not tax hikes. We need to support Social Security reform.

150TH ANNIVERSARY TREATIES

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

Mr. BLUMENAUER. Mr. Speaker, this weekend marks the 150th anniversary of the Treaty with the Tribes of Middle Oregon and today I have introduced legislation to commemorate that event. There were a number of important treaties signed in 1855 which included the Cayuse, Umatilla, Walla Walla and ultimately the Warm Springs. These treaties helped guide and shape the management of land, water, wildlife and fisheries of the Pacific Northwest now and into the future. The treaties were understood by their signers to ensure the unique quality of life of native peoples in middle Oregon.

Unfortunately, the United States' history of honoring its commitments to Native Americans leaves much to be desired. In honor of the anniversary of these treaties, we should reaffirm and support the promises made 150 years ago between the Pacific Northwest tribes and the United States of America. Together, we have a rich legacy and a bright future to protect, and I urge my colleagues in joining me in supporting this resolution.

STOP USING TAXPAYER DOLLARS TO SUBSIDIZE VIAGRA FOR SEX OFFENDERS

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

Mr. DOOLITTLE. Mr. Speaker, we must stop using taxpayer dollars to subsidize Viagra for sex offenders. It was recently revealed that almost 800 convicted sex offenders in 14 States have received Medicaid funded Viagra and other similar drugs. This practice is a disgusting abuse of taxpayer dollars and must be stopped now.

On today's calendar, an amendment in the Labor-HHS appropriations bill prevents taxpayer dollars from being used to reimburse sex offenders for Viagra and similar drugs. This amendment does not just address Medicaid but it also prevents Medicare and any other public health service from reimbursing convicted sex offenders for these types of drugs. It is the responsibility of Congress to take action to close this loophole immediately which we in the House shall do today.

ON THE ANNIVERSARY OF TITLE IX

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to

honor the 33rd anniversary of title IX. Title IX creates opportunities for female athletes. Since its inception in 1972, female participation in sports has increased 400 percent in colleges and 800 percent in high schools. As a young girl, I played on several sports teams. These experiences fostered my love of competition. But they have far greater benefits. Girls who play sports are less likely to have an unplanned pregnancy, more likely to leave an abusive relationship, and are less likely to suffer from depression.

Unfortunately, under President Bush's administration, the Department of Education has created a huge title IX loophole. By bending title IX rules, it is now easier for schools to evade their responsibilities to provide opportunities for female athletes. It is wrong for this administration to reverse the progress made over the last three decades.

Tonight, I will be joining my colleagues in the annual congressional baseball game and when I join the lineup in RFK Stadium, I will be on the line for title IX.

Mr. President, I hope you can join us in supporting title IX by repealing these damaging new rules instead of slamming the door of opportunity in the face of women.

□ 1015

LET US DISCONNECT THE SPANISH-AMERICAN WAR TELEPHONE TAX

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

Mr. POE. Mr. Speaker, I rise today to announce to all Americans that the Spanish-American War of 1898 has ended. It has been 107 years since the war was over and Teddy Roosevelt and the Rough Riders went up San Juan Hill and we won that war. Yet 95 percent of all Americans are still paying for it and do not even know it.

Introduced in 1898 was a phone tax, which established the concept of a temporary luxury tax to defray costs on the Spanish-American War. It started on 1,300 phones, a tax on telephones. Today more than 100 million American households across the Nation still are paying for this excise tax to the tune of $5.6 billion a year on their phone services such as land lines, cell phones, and dial-up Internet connection. This tax strikes at every use of the telephone and burdens everyone, especially those in lower incomes.

Initially, this tax was used to finance this 3-month Spanish-American War, but it has been made permanent and was even raised in World War II.

So I would like to commend the gentleman from California for sponsoring legislation to get rid of this ''temporary tax.'' This tax has proved there is no such thing as a temporary tax, and let us disconnect the Spanish-American tax on telephones.

33RD ANNIVERSARY OF TITLE IX

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

Ms. SOLIS. Mr. Speaker, today I also rise with my colleagues who are here from the Women's Caucus to pay tribute to a historic occasion, the celebration of the 33rd anniversary of Title IX that seeks to achieve fairness among student athletes, both men and women.

For 33 years, Title IX has expanded opportunities for young women and girls to participate in athletic programs in schools across the country. Since it was enacted in 1972, women's participation in these sports has increased by 400 percent at college level and about 800 percent in high schools. Title IX's fundamental intent is significant because it ensures equal access and opportunity to all women and especially women of color.

And yesterday I had the opportunity of joining with Members of the Senate and the House to celebrate this very important occasion and to also make very clear that we are in opposition to this clarification, or notion of clarification, that the Secretary of the Department of Education would like to somehow implement, which would actually create a big loophole so that we would not be able to account for those young women participating in these sports. It would keep scholarships from them and the ability to participate in sports. So, please, I ask the Members to contact the President.

IRAQ

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

Mrs. BLACKBURN. Mr. Speaker, day after day Members from across the aisle have been coming to this floor to tell Americans that in their opinion we are losing the war on terror. They say that Iraq is a disaster, Gitmo is a gulag, and that our soldiers should have come home yesterday.

Mr. Speaker, they have no shame. If they want policy change, fine. But do not undermine our soldiers' efforts by going all out and selling this as hopeless in order to try to score political points.

Did they think winning the war was going to be easy? No one ever told them the endeavor would be without cost. Iraq is not a failure. Is it tough? For heaven's sake, absolutely, yes, it is tough. We all knew that going in. But transforming Iraq, freeing millions of people, stamping out terrorism in a nation right in the middle of the Arab world will pay huge dividends in the war on terror, period. It gives us a democratic ally in the Middle East.

I hope my colleagues will join us in supporting this effort, rather than tearing it and the brilliant men and women in uniform down.

THE REPUBLICANS AND SOCIAL SECURITY

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

Mr. GEORGE MILLER of California. Mr. Speaker, what is it that the Republicans really do not like about Social Security? The Social Security system has provided retirement security for millions of Americans. But every time these Republicans start talking about Social Security, things get worse for those retirees. In the Senate the other day they talked about a new plan for Social Security that drastically cuts the benefits of future retirees and current retirees.

Then the Republicans on the House side here decided they had a new plan yesterday, and what did they decide? After borrowing $700 billion from the Social Security trust fund, yesterday the Republicans in the House decided to end that trust fund, to get rid of that trust fund, to make the solvency of Social Security worse now than it is today. That was their plan.

In the Senate, they cut the benefits and here they end the solvency of Social Security by ending the trust fund. They have taken $700 billion out of the trust fund since George Bush was elected. Bill Clinton left them a $5.6 trillion surplus. They squandered it. It is gone. And the President has suggested he is not planning to pay it back, the first President in the history of the country that said he would not pay back the Social Security trust fund, and now these boys want to end the whole thing.

SOCIAL SECURITY REFORM

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

Mr. PENCE. Mr. Speaker, it is time to turn down the rhetoric and to stop the raid on the Social Security trust fund and start allowing Americans to invest their Social Security taxes in personal savings accounts.

For more than 40 years, the United States Congress has shamelessly used payroll taxes intended for Social Security to fund Big Government spending. Thanks to the leadership of President George W. Bush, Congress has undertaken a national discussion about how we deal with the inevitable insolvency in the program. And while there are multiple plans for reforms, several of my colleagues yesterday offered a thoughtful approach.

The Ryan-Johnson-McCrery-Shaw plan is a good start down the right path for form, first and foremost by stopping the raid on the Social Security fund, by requiring that any surplus in Social Security taxes be returned to the American people in personal savings accounts. The plan ensures that Social Security taxes will be used for Social Security.

Let us stop the raid, start the accounts. Let us move forward with this commonsense plan.

I urge all my colleagues to give thoughtful consideration to the Ryan-Johnson-McCrery-Shaw plan for beginning the reform of Social Security.

IN SUPPORT OF TITLE IX

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

Ms. SLAUGHTER. Mr. Speaker, I rise today to speak on the 33rd anniversary of Title IX, the landmark 1972 law that blocks gender discrimination in education. I am a proud supporter of this law that has helped girls and women move toward equality in athletics at every level and in every community across the Nation.

As opportunities have been made increasingly available, women's participation in sports has grown exponentially. Nearly 2.6 million high school girls and over 135,000 women in college now participate in organized sports. That is more than 2 million women and girls having a chance to score a goal, slide into home plate, or sink that winning basket. For many young athletes, the scholarship opportunities provide the only means by which they can attend college.

Moreover, they tend to graduate at higher rates, perform better in school, are less likely to use drugs and alcohol. They also tend to have more confidence, better body image, and higher self-esteem than female nonathletes, the critical attributes that help them succeed throughout their lives.

We build on these advancements in the name of the equality, and I want those here to stand for and defend the integrity of this pioneering civil rights law.

SCNT EQUALS CLONING

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

Mr. PITTS. Mr. Speaker, Members of this body this past week have been told by outside groups that somatic cell nuclear transfer is not cloning. That is just not true. SCNT is the same process that created Dolly the sheep. If SCNT does not create a clone, then Dolly was not a sheep.

SCNT produces an embryo, whether the procedure is done to destroy the human embryo for research or to implant it to produce a child. The fact that creating it does not involve sperm is what makes it a clone. This is unquestioned by serious people. Bioethics commissions, President Clinton, and George W. Bush said that the product of SCNT is a cloned embryo.

In a debate as emotional and important as this one, it is important to understand all the facts; and it is equally important to see through the word games espoused by some groups and Members of this body.

SCNT creates a cloned human embryo. There is no way around it. And that is why this body should move quickly to stop human cloning before scientists start killing human clones like they killed all those sheep when they cloned Dolly.

TITLE IX AND SOCIAL SECURITY

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning I rise to speak about two wrong-headed policies.

First of all, let me honor and celebrate Title IX: remember the U.S. soccer team, women's soccer team, the WMBA; and then of course the assault on Title IX to allow the schools to send an e-mail to determine whether students, young women want to participate in sports. Do the Members know what that means? No women's sports. I stand here today to support a full funding of Title IX. Get rid of the loophole.

And then, Mr. Speaker, I want to say to my friends who think that we are going to accept the smoke and mirrors on the new Social Security plan, let us let me tell them that it is the same old plan. It privatizes Social Security, raids the trust fund, and weakens Social Security because what it does is it takes money from the trust fund and puts it in private accounts. Democrats stand for a solvent Social Security. Social Security is not a policy issue. It is a personal issue. It is an umbrella. It is the wind beneath the wings of those who work every day. Do not buy the smoke and mirrors of Social Security and support Title IX with no changes.

CELEBRATING A CENTURY OF ROTARY INTERNATIONAL

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

Mr. WILSON of South Carolina. Mr. Speaker, more than 40,000 business and professional leaders from 150 countries have come together this week to attend Rotary International's Centennial Convention led by President Glenn Estess, Sr., in Chicago.

During their first 100 years, Rotary International grew from a small club established by Paul Harris in Chicago to a diverse international network of community volunteers who are dedicated to building peace and goodwill in the world. Today, approximately 1.2 million Rotarians belong to more than 32,000 Rotary Clubs in 161 countries.

Rotarians are carrying out humanitarian projects in their own neighborhoods, promoting youth exchanges, and raising money to eradicate polio worldwide.

As a former Rotary Club president, I am proud to recognize the organization's distinguished record of volunteerism and thank all Rotarians who contribute to the success of this vital organization. I also appreciate my district director, Butch Wallace, as president of the West Metro Rotary Club; and my chief of staff, Eric Dell, as president of the Capitol Hill Rotary Club.

In conclusion, God bless our troops and we will never forget September 11.

CELEBRATING ANNIVERSARY OF TITLE IX

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

Mrs. CAPPS. Mr. Speaker, I rise to celebrate the 33rd anniversary of Title IX and pay tribute to the significant advancements made for women's educational and athletic opportunities. Not coincidentally, this year is also the 33rd anniversary of the UC Santa Barbara Lady Gauchos basketball team, this year's Big West Conference champions.

I hold a basketball signed by the team members of the 1997 team who participated in the NCAA tournament here in Washington, DC. Any woman who has played for this team can attest to the numerous benefits afforded to them by receiving the same opportunity as men to participate in college athletics.

□ 1030

There is a clear interest for women to play sports, and schools must respond.

To anyone who disagrees, I would like you to know that the UCSB women's basketball team sells more season tickets than the men's team.

So I am appalled that the Bush administration is trying to weaken the enforcement of Title IX in our Nation's colleges and universities.

On this anniversary of Title IX, we must stand up and protect it.

AIRLINE PENSIONS

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

Mr. PRICE of Georgia. Mr. Speaker, we do not need any more airline companies going bankrupt.

Imagine retiring with a pension only 50 or even 20 percent of what you expected. That is what is happening to thousands of airline employees.

A government bailout is not fair to taxpayers, and it will not work. What will work is industry-specific pension reform.

In the Committee on Transportation and Infrastructure hearing yesterday, we heard testimony from financial experts, the PBGC, the Pilots Association, and others. They painted a picture of a flawed current business model. In the face of high fuel costs and more retirees than workers, defined benefit plans simply do not work for many companies.

Congress can help. H.R. 2106 gives the airline carriers greater flexibility in funding their pensions. It provides more security for employees and will ensure that taxpayers will not be held liable for these underfunded pensions. A government bailout should not be a financial planning tool for the airlines.

Mr. Speaker, employees should receive the pensions they have worked for their entire lives, and taxpayers should not be left holding the bag. The Employment Pension Preservation and Tax Prepare Protection Act, H.R. 2106, is the winning formula.

TITLE IX'S 33RD ANNIVERSARY

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

Ms. WOOLSEY. Mr. Speaker, 33 years ago, Title IX, written by our dear friend, Patsy Mink, became law. Title IX recognizes that only when all Americans have opportunity to reach their potential can our country reach its potential.

Recently, the Bush administration said that if a school's women students do not respond to an e-mail from the school asking if they are interested in sports, then the school would be in compliance with Title IX.

That is ridiculous. There are acceptable standards to measure compliance that are accurate and must be used.

The lesson of Title IX is that interest flows from opportunity. That is why women's participation in sports has increased 800 percent in high school and 400 percent in college since 1972.

Moreover, if we are going to make policy based on how many people ignore one of the dozens of e-mails in their in-box, we will be in huge trouble with Title IX.

I hope that the President will heed the letter from the gentlewoman from California (Leader PELOSI), the gentleman from California (Ranking Member MILLER), and myself and 140 other Members, and rescind this clarification.

FLAWED POLICY DENIES CUBAN-AMERICANS REGULAR FAMILY VISITS

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

Mr. FLAKE. Mr. Speaker, I rise today to draw attention to the case of Sergeant Carlos Lazo. Sergeant Lazo is a Cuban American, a proud Cuban American who is serving in our military. He recently did a tour in Iraq and came home, wanting to visit his two children in Cuba. He was prevented from doing so, stopped at the airport, because we have a policy that only allows Cuban American families to visit each other once every 3 years. Here is a man serving in our military, proudly; we trust him in Iraq, but we do not trust him to visit his own family in Cuba.

It seems to me this policy is flawed. We will have amendments next week on the Treasury-Postal bill.

I urge my colleagues to look at this case, to meet with Sergeant Lazo who is on Capitol Hill today, and to rethink this policy of ours that denies Cuban Americans the ability to visit their families.

IN SUPPORT OF TITLE IX

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

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of the Title IX program which created equality, equality for young men and women in our Nation's schools.

As Title IX celebrates its 33rd anniversary today, I am concerned with recent attempts to undermine the program that will reverse the progress Title IX has made in enabling young women to participate in sports.

The Department of Education recently issued its ''Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test, Part Three'' which changes the way schools determine female interest in athletics by making an e-mail survey the sole interest indicator.

This new policy harms the Title IX program because it prevents schools from using a multi-method approach to assess female sports programs. By deciding to base the future of women's athletic programs on e-mail surveys, the Department of Education is denying women the same opportunities as men to participate in sports.

Mr. Speaker, I urge my colleagues to continue to support equal rights for men and women in every arena of public life, including sports. I strongly urge the Department of Education to rescind its policy. Title IX opened the doors for women; let us not close them now.

PROVIDING FOR CONSIDERATION OF H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 337 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 337

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3010) 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 first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 511. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the Committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 337 is a fair, open rule that provides for the consideration of the Labor, Health, and Human Services, and Education appropriations bill for fiscal year 2006.

I want to commend my friend, the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Ranking Member OBEY) for their efforts in moving this important piece of legislation to the floor.

This appropriation bill funds health and education programs that are vitally important to our children and families. The Committee on Appropriations has met the need for these programs, while living within the parameters set by the House and the budget resolution.

The bill provides an $118 million increase to the Department of Education, including a $100 million increase for Title I State grants. My colleagues across the aisle decry what they call a lack of funding for education, and nothing could be further from the truth.

Since Republicans took control of Congress, funding for the Department of Education has more than doubled. In the last 5 years alone, total education expenditures have increased by nearly 50 percent.

I am particularly pleased that the committee provided resources to key college prep programs. The TRIO program is funded at last year's level of $837 million, and GEAR–UP will receive $306 million, also equal to last year's allocation. These two programs are very successful in helping low-income students in making the transition to college. Many TRIO and GEAR–UP participants from high schools and colleges across West Virginia took the

time to write me about their successes in the programs. I appreciate these students' efforts and wish them every success as they continue their education.

The bill also provides money for the Perkins Vocational Education and Tech Prep programs at last year's level. These programs provide job skills to students, some of whom will go to college, and many others will have the necessary training to enter the work force. Many West Virginia students take advantage of vocational education, so I appreciate that funding for those programs was maintained.

The maximum Pell grant award is increased to $4,100, the highest level in the program's history. This increase is the beginning of a series of proposed increases in Pell grants that will help more students across the country afford the growing cost of a college education.

The committee provides $569.6 million, the same as fiscal year 2005, for the Adult Education State Grant program. This money will be used to help fund literacy programs for adults and enable them to complete a secondary education. Reading skills are a necessity for our adults as well as our youth, and for adults in the employment market and in everyday life, so I am pleased this bill restores adult education to last year's level.

The legislation before us also addresses the many health care needs of our Nation. The bill contains a $145 million increase for the National Institutes of Health, demonstrating our commitment to finding cures for deadly diseases. Funds for community health centers that provide primary care for many patients in counties across my district and others across the country are increased by $100 million to $1.8 billion. These health centers are important, because they offer health care to people in rural communities who have few other options for quality care. Health centers are cost effective because they cut down on unnecessary emergency room visits and expensive, serious ailments that come when minor illnesses go untreated.

I am also glad that the bill provides $890 million to begin the implementation of Medicare Part D, the long-awaited prescription drug benefit that will be especially helpful for our Nation's poorest seniors.

Job training activities, especially the successful Job Corps program, are also well provided for in this legislation. The Job Corps Centers in Charleston and Harper's Ferry in my district do an outstanding job of training students not only to be productive workers, but to be active members of their community as well. I am pleased that Job Corps will see an increase to $1.44 billion this year.

As with any appropriation legislation, we had to make tough choices in this legislation. These choices are particularly difficult when dealing with the sensitive health and education issues like the ones in this bill. The Committee on Appropriations allocated the available resources in this bill in a manner that emphasizes those programs most important to our Nation. I urge my colleagues to join me in support for the rule and the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, let me start with a quote from Lyndon Johnson: Today we rededicate a part of the airwaves which belong to all the people,'' a thing we should always remember, ''and we dedicate them for the enlightenment of all the people.''

President Lyndon Johnson spoke these words at the White House ceremony which marked the official creation of the Corporation for Public Broadcasting in 1967. Much has changed in the 37 years since then, but in the realm of television, Mr. Speaker, a PBS program that reaches millions of families every day has been the only constant.

PBS programming is first and foremost about children. At a time when so many television networks are wary of producing educational programming because it will not be cost-effective as they define it, PBS stands alone. They are proud to present wonderful programs that teach children how to read, how to share, and how to be tolerant of others. But PBS is not just for children, it is for minds of all ages that seek to question and learn about our world.

PBS has the best documentaries, the best programs about American history and about the new scientific discoveries which are constantly changing our world. There is a reason that Peggy Noonan of The Wall Street Journal, an unabashed conservative, has written that ''At its best, at its most thoughtful and intellectually honest and curious, PBS does the kind of work that no other network in America does or will do.'' Ms. Noonan wrote this because it is true. And what is most important, PBS programming is free to all.

Big Bird reaches all the children in America, regardless of whether they are in urban or rural areas, regardless of their economic class or whether or not their parents can afford 500 channels of cable, but the majority leadership is speaking out against Big Bird here today and the other great children's programming. They are speaking out against quality news and arts and entertaining programs that have no other place to call home on television today.

The Labor-HHS appropriations bill we will consider today offers cuts of more than $100 million from the Corporation for Public Broadcasting funding. And, all told, this bill imposes a staggering 42 percent cut in funding for PBS this year.

□ 1045

Now, why would the Congress do this? There is only one reason, Mr. Speaker, and that reason is the leadership of this body does not like PBS. In fact, Republicans have been after PBS for years. Ronald Reagan tried to slash CPB funding, so did Newt Gingrich. And now the conservatives have redoubled their efforts.

They claim that PBS is the lapdog of the left. But the notion that PBS is partisan runs against the very grain of what PBS is and what the Corporation for Public Broadcasting was designed to accomplish.

President Johnson stated that CPB was intended to be carefully guarded from government and party control. It will be free, it will be independent, and it will belong to all of our people.

PBS and CPB, therefore, should be neither liberal nor conservative and should instead be honest and objective; and it always has been. The real problem with our friends on the right seems to be confusing intellectually honest and independent programming with so-called liberal bias, simply because they are not espousing their own narrow conservative world view 24 hours a day.

Most Americans, no matter their political persuasion, understood the benefits of hearing views from different perspectives; and they like the idea of truly independent, stimulating public programming. They understand that Big Bird cannot be replaced by 500 channels of cable.

That is why Roper polls taken in 2004 and 2005 found that the people of our country thought that spending money on PBS was the second best use of their tax dollars, right behind the funding of our military.

But the independence of PBS and the Corporation for Public Broadcasting is somehow a threat to this Republican leadership. Why else would Kenneth Tomlinson, the new Republican chairman of CPB, attempt to appoint Patricia Harrison as the new head of the Corporation For Public Broadcasting?

Ms. Harrison is a strange choice for the leader of a broadcasting corporation in as much as she has never even worked in broadcasting. On the other hand, she was at one time the cochair of the Republican National Committee, and so perhaps her qualifications for the position speak for themselves.

Mr. Tomlinson also felt that such prominent PBS programs such as ''NOW,'' with Bill Moyers, were liberal in their orientation. He therefore did the honorable thing and hired several ombudsmen to secretly spy on the programs and report on their activity.

And just last week, we learned that in 2004 the Corporation for Public Broadcasting, now firmly under partisan Republican leadership, gave two Republican lobbyists $15,000 and did not tell anybody they had done so.

By the way, Mr. Tomlinson was head of Voice of America, and we understand that Voice of America is to be outsourced to Asia. How do you like that, America? Is this what we have come to, spying on the network that brings us ''Sesame Street,'' ''The Electric Company,'' ''Captain Kangaroo''? And if so, what is next?

Will we have satellite surveillance of the ''Antiques Road Show''? Wire taps in Oscar's trash can? Are the American people going to allow these same individuals who actively manipulate the media, who have allowed political operatives to pose as journalists in the White House, who have paid commentators and pundits to falsely pose as journalists, to manipulate public opinion?

Are we going to allow them to tell us that now Public Broadcasting is the enemy? I certainly hope and pray not. If there is any doubt that this is their true intention, my fellow Americans, we need look no further than this very bill, approved in a subcommittee where the Republican leadership successfully eliminated funding for PBS and the Corporation For Public Broadcasting.

As with so many other things in this Congress, they were shamed by the American people into reversing course, but I imagine that the right wing assault on PBS will continue.

President Johnson feared that if placed ''in weak or even in irresponsible hands,'' public television could generate controversy without understanding, could mislead as well as teach.

It could appeal to passions rather than to reason. That was very far-seeing for President Johnson. Let us not succumb to the misguided partisan passions of the leadership which threaten to destroy this cherished American institution. Let us preserve public networks across our country.

Mr. Speaker, Sesame Street teaches children to be fair and just. And we learned that from Sesame Street, our children learned it from Sesame Street, let us practice it today, and we expect no less from Members of this Congress.

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

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

Mr. Speaker, this bill contains quite a bit on education. I think the wonderful thing about America is that every child in America is afforded a public education through our public schools. I am very proud to say that I have three children who are very fine graduates of West Virginia public schools. And there are tough choices to be made in this bill. I acknowledged that in my opening statement. And I acknowledge that as well.

But I would like to go through some of the things, the public education things, in this bill that will help every child in America no matter what channel they turn to on the television. There is a $118 million increase to the Department of Education. Increases in Pell grants to the highest ever, $4,100 availability. Special Ed grants are funded at $10.7 billion, $150 million above last year's funding.

Title 1 grants, which help the underprivileged and our lower-economic students, $100 million over last year's funding. Reading programs. Reading is an essential art; I hope it never becomes a lost art. It is an essential art for our future, not only to bring much joy into people's lives but also to see that they are able to secure fruitful employment and raise a family and have the best things in America. Reading is absolutely essential.

Reading programs are funded at $1.2 billion. The Reading First program is funded at over $1 billion. The Even Start program is funded at $200 million. Math and science. We have heard a lot about the loss of math and science abilities in our students coming out of high school. We recognize that in this bill, and we have increased by over $11 million for a total of $190 million to enhance the number of teachers trained to teach in the fields of math and science.

I think there is much to be proud of in this bill in terms of the way we have addressed problems in our public education, and the way we have addressed something that is near and dear to every American's heart, that is, a good solid quality education for our children.

We have also worked to improve teacher quality. This provides $2.94 billion to help teachers with professional development programs. So I think that this year's bill, while the tough decisions were made, and as I said, I congratulate the chairman and ranking member for making those tough choices, there is a lot in here that will help enhance the education, enrich the lives of our children, and help improve the quality of our public education.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. MATSUI).

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

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I am pleased that the House is on schedule to pass all 10 appropriations bills necessary to fund the Federal Government. But the challenge we face is to do so under the tight constraints dictated by the budget resolution put forth by the Republican majority.

I believe a budget is a moral blueprint for the priorities of the Federal Government. But, sadly, this year's budget fails to address our Nation's most basic priorities and fails to plan for our Nation's future. And now, to the detriment of our appropriations bills and ultimately our country, we have become chained to its misguided priorities.

The long-term health of our Nation is being threatened at a time when we should be investing in it. Within 15 years, America's supply of nurses will fall almost 30 percent below the Nation's needs. Filling the registered nurse pipeline with new recruits requires sustained, aggressive funding over the long term. And I am disappointed to say that level funding in the bill for nursing programs will not do enough to reverse this demographic reality.

If we fail to support the backbone of this Nation's health care industry and ask our nurses to spread themselves even thinner, we risk everything that comes with it, including decreased patient safety and poor quality of care.

And we are failing in this bill to meet the needs of those individuals who most need the access to health care professionals. This bill guts critical funding from title VII programs which encourage health professionals to serve in underrepresented populations. I have seen the positive effects of this funding in my hometown of Sacramento. The UC Davis Medical Center uses title VII funds to train medical students to work through significant language or economic barriers in communities that have a host of otherwise treatable medical conditions.

And medical center fellows trained with these monies conduct cutting-edge research in health care disparities and how to improve cancer screening. Sacramentoans have been well served because of this investment in the health of the community.

But, again, title VII funding is eliminated in this bill without regard for these long-term impacts. And so, again, we see yet one more example of the misguided priorities contained in this year's budget.

Let me close by talking about this commitment to the future in a slightly different way. Growing up, I never doubted that I would have the opportunity to go to college. And never once did I doubt a doctor would be there when I fell ill.

But, Mr. Speaker, not all Americans are lucky enough to have these assurances. The way in which we as a Nation meet the gap between the world we want to raise our children in and the challenges of life speaks directly to the values we hold. This bill absolutely fails in that vision.

Mrs. CAPITO. Mr. Speaker, I would like to take the opportunity to talk a little bit about community health centers. I visited all of the community health centers in my district of West Virginia. They go a long way towards enhancing access and quality in the rural areas. It has been a great initiative that has worked very successfully in a State that sometimes has difficult areas to get to.

And I am pleased that this bill enhances that funding by $100,000 million.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to the rule, and I rise in opposition to the Labor-HHS Education appropriations bill.

My reason is simple: This bill shortchanges the American people in so many ways that it is difficult to keep track of them all. Just last month, when the House was considering H.R. 366, the Vocational and Technical Education for the Future Act, I raised the question of where the Appropriations Committee was going to find the $1.3 billion to fund these programs without making deep cuts in other critical programs.

I raised this question, because the Republican majority had just passed a budget resolution in lock step with the President's request to zero out vocational education programs.

So while I am pleased that the committee has restored $1.3 billion for vocational education, my worse fears have come to pass. This bill eliminates half a billion dollars' worth of other education programs. It eliminates half a billion dollars' worth of important health programs. It eliminates $56 million of Labor Department programs.

These critical programs include early learning opportunities for early childhood development, the Community Food and Nutrition program, comprehensive school reform, student alcohol abuse reduction, and dozens of others.

This bill practically eliminates funding for health professions training and professional development programs at a time when our Nation is facing a severe shortage of health care professionals. Primary care physician training programs in Massachusetts would be cut by $12 million.

These programs stand to be cut by over $2 million alone at the University of Massachusetts Health Care Center, the largest employer in my district. These cuts will further strain an already fragile health care system in my home State and around the country.

And I have not even begun to touch upon programs that have seen their funding sharply reduced or frozen for the second, third, or fourth year in a row. My colleague, the gentlewoman from New York (Ms. SLAUGHTER), talked about the senseless cuts to PBS.

Essential programs such as community service block grants, the child block grant, after-school programs, the investment and professional training and development of our teachers have all been cut or level funded. In the end, thousands and thousands of families, children and elderly, the sick and the poor in our communities will lose the help and services that are critical to reducing the vulnerability of their daily lives.

□ 1100

Hospitals, health care centers, schools, and community centers will lose the ability to provide quality classes, programs and services.

Mr. Speaker, I was not sent to Washington to hurt the poor and the elderly. I was not sent here to shortchange our schools and health care providers or to undercut State and local efforts by starving them of needed resources.

As I have said on many occasions, and it is important to repeat today as we move on this legislation, the Republican majority is fast creating a government, that lacks compassion and has no conscience. My friends on the other side of the aisle fought ferociously for tax cuts for millionaires and billionaires. They had to have those tax cuts, and guess what, they have diverted billions and billions of dollars from programs that benefit our kids, our senior citizens, and the most vulnerable in our society.

I suppose that highlights the real difference between the two political parties. But, Mr. Speaker, what they are doing is wrong, it is so wrong and it is why I oppose this bill today, and I urge my colleagues to do the same.

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

Mr. Speaker, I would like to note in this bill another program that is very important to every State across the Nation, and that is the Head Start program. The Head Start program has been funded $56 million over last year's level, and this will help towards the readiness of our preschoolers to be able to be ready to handle the challenges of school.

Another program highlighted in this bill is funding of $100 million for a new pilot program to develop and implement innovative ways to provide financial incentives for teachers and principals who raise student achievement and close the achievement gap.

And back to community health centers, I think this is one of the best ways to cover children's health care. Many young families cannot travel far to access hospitals for preventative care. This will go towards managing health care for children with another $100 million for that program.

My colleague talked about senior programs. I note in this bill there are several senior programs. There is the National Senior Volunteer Corps and the Foster Grandparents program. Foster Grandparents always come to visit me in Washington and tell me about their program. I am in awe at their dedication to not only seniors but to the youth of America. The Senior Companion Program and the Retired Senior Volunteer program, these programs are funded at the highest levels ever, and I think it will go a long way towards giving our seniors a way to volunteer and give back to the Nation, to the young people and families. I am pleased that the chairman recognized the value of these programs in his bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I am sad to say that I think this bill is a prescription for a second-rate economy for the American people because it declines to make the long-term investments that are necessary in education, in health care, in job training, in worker protection and the like.

I will be voting against the previous question on the rule and the rule itself because the Committee on Rules did not make in order the amendment that I had asked them to make in order which would have done one very simple thing: it would have provided an additional $11.8 million in funding for high-priority education, health and worker protection programs. It would have provided that same amount, $11.8 million, in deficit reduction; and it would have paid for that by reducing the supersize tax cuts for people who make over a million dollars a year. Right now they are expected to get on average a $140,000 tax cut this year. We would have limited their tax cut to only $36,000, the poor devils. They would have to get along with only $36,000.

I make no apology about wanting to make these investments. We are the greatest country in the world. We have the greatest economy in the world. We are the world's leader in technology. We are the world's leader in almost everything, but we did not get there by not making crucial investments year after year after year. We got there by investing in our people by way of education, by making the right capital investments, by making the right investments in science and technology; and that grew the economy for everybody. This bill walks away from that responsibility.

This bill, in real-dollar terms, after you adjust for inflation, will deliver on a per-person basis about $5.9 billion less in these critical areas than it delivered last year.

There is one other element of the amendment I would like to talk about for just a moment. We talk a lot in this country about preventing abortions. It has been my experience that lectures from your local friendly politician or your local clergyman are not nearly as helpful to young women who are pregnant and trying to decide if they are going to carry a baby to term or not as is a helping hand. The amendment we wanted to offer would have provided that helping hand.

It would have taken critical programs that would make it economically easier for low-income and vulnerable women to choose to carry pregnancies to term. We would have had $175 million for maternal and infant health care, returning it to the fiscal year 2002 level. We would have added $300 million to child care, returning that to the fiscal year 2002 level. We would have added $418 million to the community service block grant to provide people with an opportunity for education, training and work, and to live with decency and dignity. And we would have provided $126 million for domestic violence prevention, effectively doubling that program. We

would have doubled the Healthy Start program for newborn babies, and we would have increased job training for young women by $212 million.

If we are concerned about life, our concern cannot end with the checkbook's edge. We need to recognize that if we are going to provide real-life, real-world opportunities for women to help convince them not to have abortions, we need to be funding programs like this. These are a whole lot more important to the spirit of the country, to the economy of the country, than providing a $140,000 tax cut to somebody who makes a million bucks a year.

Mr. Speaker, I regret the Committee on Rules did not make this amendment in order. That is why I will be voting against the previous question and voting against the rule.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee.

(Mr. REGULA asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I think the gentlewoman has done a great job of describing the bill as part of the rule debate. The bill covers many items of great importance to people. The bill is a balanced bill. It is a recognition, of course, that we have limited resources. But within the framework of what was available and what was given to us by way of an allocation, I think we have done an excellent job, as was described by the gentlewoman from West Virginia (Mrs. CAPITO), in making priority choices.

I was interested this morning when I read the Post that David Broder in his column says, ''As for the value of education, when asked to identify from a list of five options the single greatest source of U.S. success in the world, the public education system edged out our democratic system of government for first place, with our entrepreneurial culture, military strength and advantages of geography and natural resources far behind.''

Number one in public opinion was education. We will talk about this in the general debate, and the gentlewoman likewise pointed this out, that this bill emphasizes education and some new areas, putting emphasis on teachers and principals, because the people are what make a school system a success.

Also in Roll Call today, an article by Morton Kondracke, the editor, the caption is: ''Avian Flu Could Become Top '08 Issue. Seriously.'' He goes on to point out in here how the Senate leader, a physician, made a speech and declared infectious disease and bioterrorism are ''the single greatest threat to our safety and security today.'' He went on to say fighting them will be the overriding purpose of his political future. That, again, we address in this bill.

I just want to point out that the bill does as much as possible within the constraints of limiting spending, addressing two major issues that are both in the news today, education and the threat of bioterrorism. We will discuss that more in the general debate on the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, of the many reasons to vote against this measure, one of the most significant is its failure to address the ''opportunity deficit.'' Yes, this administration's many failures are reflected in the budget deficit and the trade deficit, but I am even more concerned about the ''opportunity deficit.''

When students cannot develop their God-given potential to its fullest extent, we have an ''opportunity deficit.'' When our community cannot benefit from the talents of those students unable to get a higher education, we have an ''opportunity deficit.'' By failing to increase the amount of federal financial assistance to let all students get the full extent of educational opportunity, this measure today deepens the ''opportunity deficit.''

Freezing Perkins loans, freezing work-study financing for all of those students who want to work, freezing Supplemental Education Opportunity Grants, and virtually freezing Pell grants demonstrate that these Republicans are putting higher education on ice for too many students. This administration gives students a cold shoulder, as they have by freezing Pell grants in the past, in not addressing the rising tuition rates across the country.

Our students at UT-Pan American, South Texas College, Austin Community College, and Huston-Tillotson University depend on Pell grants, but the purchasing power of Pell grants has shrunk to historic lows. The purchasing power of Pell grants, which once covered half of tuition and fees, is down to a historic low, now only covering a fourth of tuition and fees.

In his budget President Bush proposed a Pell Grant increase of, finally, a pittance, $100: enough to buy a chemistry textbook, almost. But this bill cuts that pittance in half. That is not enough for a textbook. It is not even enough to pay for the increased cost of gas, another failure of this administration, to get to class for a week.

I believe we need to do more to support our young people, to support our future by giving them the financial assistance that they need; and this bill, like the entire approach of this administration, from pre-kindergarten to postgraduate education, fails to address that ''opportunity deficit.''

For those who can still afford to attend school, we are saddling that generation with a burden of debt, much like the burden of debt in the public sector. We are not investing adequately in our future or in our students. Students are facing a mountain of debt after graduation that this bill does not address. Let us close the ''opportunity deficit'' and reject this measure.

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

I would like to comment on Pell grants because this bill contains the largest amount for Pell grants ever in the history of the United States, $4,100 per student. That is a lot of opportunity for a lot of different students.

I would also like to say that the TRIO program, the GEAR-UP program, the Job Corps program, these are all programs designed to help students who might not have an opportunity get an opportunity through those programs. They are well-funded, successful programs; and they are recognized in this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), a champion of education.

□ 1115

Mr. CUNNINGHAM. Mr. Speaker, I came on this committee after I had been on the authorizing committee for education. Then the chairman was Congressman JON PORTER, probably one of the best chairmen that have ever chaired that particular committee. I was concerned that because of the delicacies of the programs that this particular bill offers, the gentleman from Wisconsin (Mr. OBEY) has quite often spoken of it as the caring committee because it involves such things as education, health care, medical research and so on, I was concerned about who was going to replace JON PORTER. The leadership came up and gave the gentleman from Ohio (Mr. REGULA) the chair, and I watched and watched. Members on both sides of the aisle would agree that the gentleman from Ohio has done every single thing that he can to enhance the properties of this bill.

Now, many will use each of these bills for propaganda against the administration, against Republicans. I would tell you that most of the things that we fight for in this bill are done in a bipartisan way. There are other things that other people would like, but when it comes down to it, education and the different aspects of this bill, we do work together. The House bill is only the start. We have the other body to go through and we have a conference to go through. What we are talking about here today will not be in effect.

I would also like to recognize, Mr. Speaker, that only 7 percent of education is funded by the Federal Government; 93 percent of education is funded by the State. California has had a particular problem with a $12 billion debt left by a different Governor and they are trying to pay that back. In most States, Leave No Child Behind has worked successfully. In California, we

need more flexibility. Many of the State laws do not apply or correspond to the Federal laws and we are having problems, especially in IDEA, attendance and testing. But I will tell you that the items in which this bill are important, Impact Aid that takes care of our military troops and Native Americans, is increased in this bill.

If you look at title I, what is title I? Title I is for the most disadvantaged children we have in our Nation. California has to fight for its fair share. About 1 in 9 Americans live there. But yet title I is in this bill is increased.

Pell grants, as has been mentioned, is the highest level ever. No child should be denied a secondary or a college education if they meet the standards, and Pell grants help that. But, remember, the State pays for 93 percent.

IDEA, there is some reform I think we can work on together in the Individuals With Disabilities Act. There are some students that take over $100,000 a year out of the school system under IDEA because of special needs, and the school has to pay. We need to embrace that because in many areas those costs are impacting the schools themselves.

There is one amendment that I think is a good amendment that I may have to go against my chairman in this today and that is Easy Start, authored by former member Bill Goodling of the authorizing committee, a program in which parents are actually involved with their children at an early age in education, and I think that that should somehow be restored, hopefully in conference or maybe even with this amendment.

But I want to thank the gentleman from Ohio and I want to thank the Members on the other side of the aisle. I am sad to hear the partisan rhetoric when many times we work so closely together.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, the only thing I can say is that I rise with enthusiasm to support the Obey/Slaughter/Leach amendment that recognizes the need and the reason for survival of public broadcasting. I only say one sentence. If Afghan citizens can gather yesterday in Washington to welcome Big Bird to Afghanistan, then it really is a shame that we are closing the door and turning off the lights and turning off the television for the children of America who learn and are inspired by Big Bird and Sesame Street and PBS.

But then I want to support the Obey amendment that will be coming up that adds $11.8 billion to a bill that has been called America's umbrella. I am very sad to say that even though I have the greatest respect for the chairman and, of course, the ranking member of this subcommittee, we have not done our job. From the billions of dollars that have been cut from education, it is evident that we need a reform of this bill. No Child Left Behind, $806 million has been cut. The bill cuts $603 million from Title I. The Republican majority again breaks their promise on the funding of IDEA, provisions that help those with special needs. The bill freezes dollars in the after-school centers. It slashes education technology dollars by $196 million. It eliminates comprehensive school reform grants to 1,000 high-poverty schools by eliminating the program. This is not the umbrella that the American people need.

When we begin to talk about investment in America, this is the bill we do it in, and we have traditionally done it in a bipartisan way. I have heard my good friend from California say this is a House bill, we are not finished, but this is a bill that makes a statement to America. We have cut moneys from the most vulnerable. I would ask my colleagues to look at this closely, defeat this bill and go back to the American people and work on their behalf.

Support the Obey amendment.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy. I rise in opposition to the rule and to the bill. I have many concerns, but one of the most fundamental deals with the treatment of public broadcasting. Public broadcasting, is America's voice. It is our window on public affairs, culture, children's programming and education, enjoyed by 80 million viewers a week and over 30 million listeners on NPR, and one of the last locally owned media voices in America. I worked hard over the last couple of weeks to avoid a partisan showdown over this bill, but here we are.

What does it say about America's priorities that we are cutting public broadcasting over 40 percent from the current year's spending level to help achieve the overall 1 percent target reduction in the bill of over $140 billion, a self-imposed straitjacket by the Republican majority? The committee actually tried at first to eliminate altogether future funding which has luckily been beaten back, at least for the time being. But I would urge each of my colleagues to look at the committee report, at the estimated allocations for public television and radio stations that are listed on pages 315 to 327 to look at the damage.

Ironically, in States that are rural like mine that have large rural areas, small towns, this damage is understated, because the big cities will always have public broadcasting, although it will be hurt under this bill; but small town America, rural America, that do not have the resources to make up for it and are much more expensive to receive broadcasting, they face elimination, and it is outrageous.

I am pleased that the gentleman from Wisconsin (Mr. OBEY) is coming forward with an amendment. I urge all of my colleagues on both sides of the aisle to get real about what America wants and America needs. This is one thing we ought to come together and fix.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, unfortunately this appropriations bill fails the values test of equal opportunity and fairness that the American people would expect of us. The bill's failure is rooted in the flawed priorities of the House leadership, which has said in its budget resolution that it is okay to cut education, job training, and health programs so that someone making $1 million a year can receive every dime of his or her $220,000 annual tax cut. That is not okay. It is wrong.

These flawed priorities not only offend Americans' sense of fairness, they undercut our constitutional promise of equal opportunity for all Americans. It makes no sense. There are 7.6 million unemployed Americans, but this bill cuts job training programs. It makes no sense. Our Nation faces an ever more competitive world, but this bill does not allow college student loans and grants to even keep up with the inflationary cost of higher education. The result, millions of hardworking students who have earned the right to go to college will not be able to afford to do so, thus undermining their future and our Nation's future. It makes no sense.

Over 43 million Americans, most of them from working families, have no health insurance, but this bill cuts services from maternal and child health along with rural health programs. It makes no sense.

Parents yearning to have more commercial-free quality television programming for their small children will be deeply disappointed to learn that this bill guts funding for public broadcasting.

Our labor, health and human service programs are about helping people help themselves. Yet this bill, after inflation and population growth, cuts $5.9 billion from these important programs. That is a lot of bootstraps that decent, hardworking people will not have to pull themselves up and their family's future up.

Cutting programs that help millions of hardworking middle- and low-income American families make a better life for themselves in order to pay for a $220,000 annual tax cut for a privileged few reflects neither faith-based nor pro-family values. The bottom line is this bill fails the American family values test of equal opportunity and fairness. This bill fails American children, seniors, and families. It fails our Nation's future. We can do better and American families deserve better.

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

I would like to point out in this bill in terms of America's seniors that there is implementation funding in here for the very historic prescription drug plan that will help many, many, many seniors across this country and particularly those lower-income seniors who really are making those tough choices. I am proud to say that is a bill I was proud to have voted for. I cannot wait for the implementation. This bill provides for the good education materials and the implementation materials that our seniors are going to need to move forward with this program.

I would like to dispute also in terms of cutting education, that is inherently false. There are 118 million more dollars in this bill for public education than there was last year. I think that looks at the programs that are successful and enhances them. Tough choices have been made, no question about it.

There are other things in here. I talked about Job Corps, but there is also a dislocated workers program which is a rapid response for layoffs and plant closures or natural disasters, something, unfortunately, a State like West Virginia, we seem to have our share of natural disasters in flooding. This gives us the ability to have that rapid response. I think there is much to be proud of in this bill. There is lots in here for education, for our families, for our seniors, for our workers and for the health of our Nation.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

I will be calling for a ''no'' vote on the previous question. If the previous question is defeated, I will amend the rule so that we can consider the Obey amendment that was rejected in the Rules Committee on a straight party-line vote.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately prior to the vote.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, the Obey amendment would give $11.8 billion in needed funding for the priority job training, education and health programs which have been underfunded in this bill. A $50 increase in a Pell grant, let me state, is not going to help anybody get a college education. The cost of this amendment will not add one dollar to the deficit. It is fully offset by reducing the substantial six-digit tax cuts for those making more than $1 million from about $140,000 to $36,500 for the coming year. That cannot hurt too much. That means that America's millionaires will only be getting $36,000 in special tax breaks so that we may properly fund education for our children and provide adequate health care for working Americans, a sacrifice, I believe, that is well worth the cost.

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In addition, the Obey amendment would reduce the deficit by $11.8 billion while at the same time protecting these valuable social programs for the American people.

Mr. Speaker, the activities included in this bill fund many of the government's most important social services and touch almost every American in some way. Most of the programs and services in the bill are considerably underfunded, many funded at last year's levels or below. And those that have received increases have generally not received enough to keep pace with inflation. Most education programs are cut or frozen at fiscal year 2005 levels. Job training is funded below last year. NIH funding, though slightly increased from last year, still is receiving the lowest increase in 36 years. The Centers for Disease Control is funded at $293 million below last year.

The list goes on and on, and the amendment will help reverse these serious shortfalls in our Nation's top education, health care, and job training programs. Members should know that a ''no'' vote will not prevent us from considering the Departments of Labor, Health and Human Services, and Education appropriations bill under an open rule, but a ''no'' vote will allow Members to vote on the Obey amendment to restore funding shortfalls in the bill, and a ''yes'' vote will block consideration of the amendment.

Please vote ''no'' on the previous question.

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

Mrs. CAPITO. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, just the facts: in 1996 the maximum Pell grant was $2,470. In this bill it is $4,100, almost a doubling in the past 10 years. One other fact: in 1997 the total funding for this bill was $75 billion. Today in this bill it is $142.5 billion, almost double.

So, I think it is important for people to realize that we have in the majority party's tenure of the last 10 years almost doubled the total.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, with respect to Pell grants, the College Board has indicated that the cost of attending a 4-year public university has increased by $2,300 since the President became President. The President decided to fix that problem by raising Pell grants by $100, thus taking care of 4 percent of the problem. The committee cut that to $50. That means that the committee is taking care of 2 percent of the problem.

In addition to that, the new IRS regulations out of the administration have cost students in my State over $170 per person. So the fact is that right now any student going to a 4-year university is dragging behind. He is not doing nearly as well as he was 4 years ago.

To suggest that a $50 increase in the Pell grant is going to take care of a $2,300 program is a joke.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentlewoman from New York (Ms. SLAUGHTER) has expired.

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

I would like to close this debate by again thanking the gentleman from Ohio (Chairman Regula), the chairman of the subcommittee, and the ranking member and for their efforts on this important piece of legislation.

The debate on this rule has shown some of the difficulties that we have faced when appropriating funds for areas as important as education and health care. From community health centers to TRIO and title I, this bill addresses our Nation's critical health and education funding needs.

I ask my colleagues to join me in support for the rule and underlying legislation.

Ms. WOOLSEY. Mr. Speaker, what we are hearing today is that there isn't enough money to fund any of these important programs like the Corporation for Public Broadcasting, education, or health research.

But, let's be honest. The real reason that we do not have the money to put towards these programs is because of the reckless tax cuts for the wealthiest of the wealthy that the White House and the majority party have insisted on passing.

Yesterday, I met with some of my young constituents representing the Migrant Education Program. I would like to read their requests to you.

We the constituents of the Migrant Education Program regions II and XXIII of California are here today to address constant issues that challenge the quality of our lives. In order to achieve this we propose the following.

EDUCATION

We propose to the Congress to allocate funds to use in the implementations of programs that will benefit learning through buying proper equipment that will permit students to succeed. Proper equipment includes: textbooks, sports, uniforms, and computers.

IMMIGRATION

We propose that Congress pass the Dream Act and Student Adjustment Act, which could allow undocumented students to pursue higher education. We propose better working conditions for agricultural workers. Better working conditions such as health care, breaks and better pay.

SOCIAL SECURITY

In order to secure our Social Security benefits we propose to reject President Bush's Social Security Reforms and accept to continue the current Social Security Program without the government tapping into our resources. In order to reimburse the lost money the Government must repay the deficit that was caused by the Governor's decisions.

HEALTH CARE

We propose to the Congress that in order to have healthier citizens a universal program should be established with an equal

payment for insurance coverage regardless of their status in California.

The result of this will be a healthier public thus reducing the burden on taxpayers.

A small tax increase, which will be offset by the thousands or even million of dollars saved in the urgent care facilities.

All families will be able to live their lives knowing that their tax payments are in return to their health care leaving them with a satisfaction that their insurance bill will not increase. We ask that the Government intervene to help maintain a set price.

LABOR

Minimum wages: The average person lives below the poverty line and in order to improve the quality of life a higher minimum wage needs to be issued.

Pesticides: Pesticides present a hazard towards the health of workers and their families.

Benefits: Equal health benefits should be issued to all employees as a result of hazardous working conditions.

FIELD WORKER PERMIT

Permits should be issued for workers of foreign countries to work in the United States under fair conditions.

SAME SEX

Acknowledging the couple: Same sex couples deserve equal unalienable rights as heterosexual couples.

Support Adoption: Same sex couples deserve the opportunity to give a loving home to a child in need.

Separating state and religion: An individual deserves the right to do as one pleases without the intervention of theocracy, while respecting civil rights.

VIOLENCE IN THE MEDIA

We propose to the Congress that violence in TV should be controlled to a substantial level of awareness; such level could include showing violence media in the after hours and avoid presentation of inappropriate material. We the delegates of California propose to the Congress that there will be more funds for community activities for the youth, so that they get involved and occupy their time in something useful other than gangs, such as, sports, music, dancing groups, karate, etc.

Children and adolescents are the most affected audience through the contents of violence. We strongly recommend that such material be diminished; such contents include music, alcohol, sex, drugs, gun control, and homicide. We propose to the Congress that programs should be developed in local communities in order to educate parents about violence and how to keep it away from today's youth.

These are some of the requests that we could have fulfilled had it not been for these reckless tax cuts. We should not forget about the needs of our children and the elderly. It is time to turn back some of these reckless tax cuts and put the money into education, health care, and all of the services that the most vulnerable in our society need to survive.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with grave concern about the Labor-HHS-Education Appropriations bill for fiscal year 2006 and the direction in which our country's priorities are going. I find it amazing that we don't have the money to continue funding critical programs in this bill because we continue to fund outlandish tax cuts for millionaires.

We don't have the money to continue funding a sickle cell demonstration program which received $198,000 in fiscal year 2005 because we continue to fund ridiculous tax cuts for millionaires.

We don't have the money to continue funding trauma care and emergency medical services which received more than $3.4 million in fiscal year 2005 because we continue to fund outrageous tax cuts for millionaires.

We don't have the money to continue funding early learning opportunities which received almost $36 million in fiscal year 2005 because we continue to fund morally reprehensible tax cuts for millionaires.

We don't have the money to continue funding arts in education programs which received $35.6 million in fiscal year 2005 because we continue to fund unconscionable tax cuts for millionaires.

We don't have the money to continue funding alcohol abuse reduction programs which received $32.7 million in fiscal year 2005 because we continue to fund self-serving tax cuts for millionaires.

Mr. Speaker, the Labor-HHS-Education Appropriations bill for fiscal year 2006 provides us with a perfect example of what we are left with due to the irresponsible and reckless economic policies of the President and Republican Majority. It is a clear indication of the different approaches that Republicans and Democrats take toward ensuring the domestic security and well-being of our country.

The drastic cuts in the Labor-HHS-Education bill are also clear examples of the very different philosophical approach toward government that our two parties take. Democrats, on one hand, believe that the role of government is to serve the masses, especially those who have the least and need the most. We do not demonize and slash funding for federally sponsored programs that help individuals stay in school, assist the unemployed find work, help pay for college, and further improve rural health care. Democrats believe that government exists not only to protect the people, but to provide services that, as our framers put it, "promote the general welfare" of all.

Republicans, on the other hand, believe that government is intrusive. They believe that shared responsibility should not be a priority of our government, and the responsibility that we have to others is limited only to the unselfish and altruistic. Republicans are willing to sacrifice the greater good of the masses to further pad the pockets of the wealthy.

I'm tired of hearing the Appropriations Committee say, 'We did the best that we could with what we were given,' because ultimately, we aren't doing the best that we can. Congress is failing the American people when we slash funding for programs that millions depend on.

Mr. Speaker, am I the only one who is offended that we don't have the money to continue funding foreign language assistance programs which received almost $18 million in fiscal year 2005 because we continue to fund odious tax cuts for millionaires?

Am I the only one who is appalled that we don't have the money to continue funding literacy programs for prisoners which received just under $5 million in fiscal year 2005 because we continue to fund irresponsible tax cuts for millionaires?

Where's the outrage from my Republican colleagues that we don't have the money to continue funding programs on America's Underground Railroad which received $2 million in fiscal year 2005 because we continue to fund offensive tax cuts for millionaires?

Where's the infuriation from Members that we don't have the money to continue funding drop-out prevention programs, mental health integration programs in schools, and women's educational equity programs which received a combined $12.6 million in fiscal year 2006 because we continue to fund appalling tax cuts to millionaires?

Just once, Mr. Speaker, just once, I would like to come to this floor with Republicans in the Majority and President Bush in the White House and say, we don't have money for tax cuts for millionaires because we have to fund programs that benefit the other 99 percent of this country.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION ON H. RES. 337—RULE FOR H.R. 3010—LABOR/HHS/EDUCATION FY06 APPROPRIATIONS

At the end of the resolution, add the following new sections:

SEC. 2.Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Obey of Wisconsin or a designee.The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 3010, AS REPORTED

OFFERED BY MR. OBEY OF WISCONSIN

Page 2, line 12, strike ''$2,658,792,000'' and insert ''$2,900,792,000''.

Page 2, line 13, strike ''$1,708,792,000'' and insert ''$1,950,792,000''.

Page 2, line 18, strike ''$950,000,000'' and insert ''$986,000,000''.

Page 2, line 24, strike ''$1,193,264,000'' and insert ''$1,243,264,000''.

Page 3, line 1, strike ''$125,000,000'' and insert ''$250,000,000''.

Page 5, line 18, strike ''$3,299,381,000'' and insert ''$3,414,381,000''.

Page 6, line 16, strike ''$672,700,000'' and insert ''$757,700,000''.

Page 21, line 13, strike ''$244,112,000'' and insert the following:

and including the management or operation, through contracts, grants or arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $325,112,000

Page 25, line 16, strike ''$6,446,357,000'' and insert ''$7,587,357,000''.

Page 26, line 18, strike ''$285,963,000'' and insert ''$295,963,000''.

Page 27, line 3, strike ''$797,521,000'' and insert ''$817,521,000''.

Page 29, line 1, strike ''$5,945,991,000'' and insert ''$6,207,991,000''.

Page 31, line 18, strike ''$4,841,774,000'' and insert ''$4,969,526,000''.

Page 32, line 2, strike ''$2,951,270,000'' and insert ''$3,029,140,000''.

Page 32, line 7, strike ''$393,269,000'' and insert ''$403,646,000''.

Page 32, line 12, strike ''$1,722,146,000'' and insert ''$1,767,585,000''.

Page 32, line 17, strike ''$1,550,260,000'' and insert ''$1,591,164,000''.

Page 32, line 22, strike ''$4,359,395,000'' and insert ''$4,574,419,000''.

Page 32, line 25, insert the following before the period:

: *Provided further*, That $100,000,000 may be made available to International Assistance Programs, ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended

Page 33, line 4, strike ''$1,955,170,000'' and insert ''$2,006,758,000''.

Page 33, line 9, strike ''$1,277,544,000'' and insert ''$1,311,252,000''.

Page 33, line 13, strike ''$673,491,000'' and insert ''$691,261,000''.

Page 33, line 18, strike ''$647,608,000'' and insert ''$664,695,000''.

Page 33, line 22, strike ''$1,057,203,000'' and insert ''$1,085,098,000''.

Page 34, line 5, strike ''$513,063,000'' and insert ''$526,600,000''.

Page 34, line 10, strike ''$397,432,000'' and insert ''$407,918,000''.

Page 34, line 14, strike ''$138,729, 000'' and insert ''$142,389,000''.

Page 34, line 19, strike ''$440,333, 000'' and insert ''$451,951,000''.

Page 34, line 23, strike ''$1,010,130,000'' and insert ''$1,036,783,000''.

Page 35, line 4, strike ''$1,417,692,000'' and insert ''$1,455,098,000''.

Page 35, line 8, strike ''$490,959,000'' and insert ''$503,913,000''.

Page 35, line 13, strike ''$299,808,000'' and insert ''$307,719,000''.

Page 35, line 17, strike ''$1,100,232,000'' and insert ''$1,129,323,000''.

Page 36, line 5, strike ''$122,692,000'' and insert ''$125,929,000''.

Page 36, line 10, strike ''$197,379,000'' and insert ''$202,587,000''.

Page 36, line 13, strike ''$67,048,000'' and insert ''$68,817,000''.

Page 36, line 17, strike ''$318,091,000'' and insert ''$326,484,000''.

Page 37, line 7, strike ''$482,216,000'' and insert ''$494,939,000''.

Page 39, line 11, strike ''$3,230,744,000'' and insert ''$3,262,744,000''.

Page 45, line 10, strike ''$1,984,799,000'' and insert ''2,199,799,000''.

Page 45, after line 10, insert the following new paragraph:

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $215,000,000, to remain available until expended: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act, and notwithstanding the designation requirement of section 2602(e).

Page 45, line 20, strike ''$560,919,000'' and insert ''$601,919,000''.

Page 46, line 9, strike ''$2,082,910,000'' and insert ''$2,382,910,000''.

Page 48, line 7, strike ''$8,688,707,000'' and insert ''$9,283,707,000''.

Page 48, line 13, strike ''$6,899,000,000'' and insert ''$7,038,000,000''.

Page 48, line 17, strike ''$384,672,000'' and insert ''$714,672,000''.

Page 52, line 6, strike ''$1,376,217,000'' and insert ''$1,419,217,000''.

Page 65, line 8, strike ''$14,728,735,000'' and insert ''$17,923,735,000''.

Page 65, line 8, strike ''$7,144,426,000'' and insert ''$10,339,426,000''.

Page 65, line 22, strike ''$2,269,843,000'' and insert ''$3,769,843,000''.

Page 65, line 24, strike ''$2,269,843,000'' and insert ''$3,769,843,000''.

Page 66, line 2, strike ''$10,000,000'' and insert ''$205,000,000''.

Page 66, line 9, strike ''$1,240,862,000'' and insert ''$1,340,862,000''.

Page 66, line 9, strike ''$1,102,896,000'' and insert ''$1,202,896,000''.

Page 67, line 18, strike ''$5,393,765,000'' and insert ''$6,343,765,000''.

Page 67, line 18, strike ''$3,805,882,000'' and insert ''$4,755,882,000''.

Page 70, line 23, strike ''$11,813,783,000'' and insert ''$13,373,783,000''.

Page 70, line 24, strike ''$6,202,804,000'' and insert ''$7,762,804,000''.

Page 75, line 4, strike ''$15,283,752,000'' and insert ''$17,183,752,000''.

Page 75, line 7, strike ''$4,100'' and insert $4,550''.

Page 88, strike line 11.

Page 88, line 14, strike ''$100,000,000 is rescinded;''.

Page 96, line 13, strike ''$9,159,700,000'' and insert ''$9,268,700,000''.

Insert at the end of title V (before the short title) the following new section:

SEC. ____. In the case of taxpayers with adjusted gross income in excess of $1,000,000, for the tax year beginning in 2005 the amount of tax reduction resulting from enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 74 percent.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 194, not voting 14, as follows:

[Roll No. 304]

YEAS—225

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

NAYS—194

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

Waters	Waxman	Woolsey
Watson	Weiner	Wu
Watt	Wexler	Wynn

NOT VOTING—14

Boyd	Jones (OH)	Peterson (MN)
Buyer	Kucinich	Platts
Davis, Tom	LaTourette	Pomeroy
Hunter	Lewis (GA)	Ryan (OH)
Hyde	Moore (WI)	

□ 1200

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3010 and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 337 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3010.

□ 1203

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3010) 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, with Mr. PUTNAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

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

Mr. Chairman, let me say at the outset here that the gentleman from Wisconsin (Mr. OBEY) and I have had a discussion about the possibility of trying to finish this bill today. We want to make every effort to do so. And that will depend, of course, on what kind of cooperation we can get on amendments.

Also, I am going to ask unanimous consent to move the issue of the Corporation for Public Broadcasting to come up as the first issue as there is a lot of interest in this. We will try to limit time on both sides and give people a chance to vote on this.

So all of that is an effort to expedite today's proceedings.

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

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

Mr. OBEY. I thank the gentleman from Ohio (Mr. REGULA) for yielding.

Mr. Chairman, I want to emphasize, as the subcommittee chairman says, we are trying to help Members get out of here today. We cannot do that unless we get cooperation from Members on amendments and on time.

Frankly, if I had my way, there would be one speech for this bill, one speech against it, and we would vote, because we are not going to make any significant changes in this bill given what the budget has done to us.

So we might as well get on with it. I would ask Members to give us their cooperation. I thank the gentleman from Ohio (Mr. REGULA) for bringing it to the House's attention.

Mr. REGULA. Mr. Chairman, and my colleagues, I am pleased to present before the House today the fiscal year 2006 appropriations bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies.

By taking into consideration the priorities of the President and the Members of this House, we have produced a bill that meets the needs of all Americans. We are appreciative of the efforts of the leader of the House and the chairman of the Appropriations Committee, the gentleman from California (Mr. LEWIS), in providing a workable allocation for this bill.

I would also like to acknowledge the hard work, dedication, and expertise of my subcommittee staff, as well as the minority staff, in putting together this bill.

Mr. Chairman, we have made a commitment to reduce Federal deficits. With the reduction in the budget from last year, support for Pell grants required by the budget resolution, and that was money that has been spent in years past that we had to pay in this bill, and new implementation and processing costs of the Medicare Modernization Act, we had nearly $2 billion less to spend on programs that were funded in fiscal year 2005.

We made some tough decisions. We eliminated four programs and did not initiate eight new programs proposed by the President. But when looked at as a whole, this bill provides $142.5 billion to over 500 discretionary programs. It is a lot of money, and it does a lot of good.

It is a responsible, fair, and balanced bill. I believe it does a good job in meeting the needs of the American people. Let me start with education. Earlier on the rule, I quoted from an editorial piece by David Broder today that in polling the American people, they said education was the number one reason for the success of this Nation. Education is essential to the preservation of democracy, and an investment in education is an investment in people.

Mr. Chairman, Federal education spending has more than doubled since 1996, from $23 billion to $56.7 billion, as contained in this bill. Education funding in this bill for fiscal year 2006 is $476 million above the President's request. We added to his request. This is a significant commitment to the future of our Nation.

However, we must be prudent in our funding priorities to ensure that these dollars are targeted to programs that most directly improve the education of our Nation's students.

We have focused spending in this bill on the key areas that directly impact our children's education. First, and foremost, I believe that no child will be left behind if he or she has a quality teacher. Almost every teacher in our Nation's classrooms today is there for one reason: they care about children and want to help them reach their full potential.

We applaud their hard work and dedication and support them in this bill by providing funding to encourage people to enter the field of teaching, and provide incentives for quality teachers to remain in the classrooms. This bill supports teachers and students by increasing funding for title I by $100 million. Title I provides additional resources to low-income schools, to help principals, teachers, and students close education achievement gaps.

At the school level, Title I helps provide additional staffing, ongoing training, and the latest research, computer equipment, books or new curricula. That, coupled with strong accountability measures, helps disadvantaged children meet the same high standards as their more advantaged peers.

I want to say that this bill really tries to help every individual to be sensitive to the needs of all people. We, this morning, and every morning when we meet, give the Pledge of Allegiance. We close by saying ''with liberty and justice for all.'' That is what we have tried to do here, because education does give people liberty, it does give them justice, and the same thing with medical research.

Mr. Chairman, many of my colleagues spoke with me about the financial demands of special education on their local school districts. We also hear from parents about the need to support adequate special education funding to ensure their special needs children receive a quality education.

In this bill, funding for special education is increased by $150 million, which brings its total to over $11 billion, a nearly 378 percent increase since the fiscal year 1996.

I believe that quality of classroom teachers and principals is one of the most important factors that affects student achievement. This bill provides $100 million to reward effective teachers and to offer incentives for highly qualified teachers to be in our Nation's high schools, and particularly in high-needs schools.

Mr. Chairman, science and technology have been and will continue to be the engines of U.S. economic growth and national security. Excellence in discovery, innovation in science and engineering is derived from an ample and well-educated workforce. To ensure competency in a rapidly changing global market, this bill provides $190 million for the math and science partnership program. This program supports State and local efforts to improve student academic achievements in mathematics and science by promoting strong teaching skills for elementary and secondary school teachers.

Many of you already know that First Lady Laura Bush supports the Troops to Teachers programs, and has visited military bases to inform our troops about the opportunity to enter the field of teaching upon completion of their military service.

With maturity, training in mathematics or science, and assistance in appropriate courses for teaching, members of our Armed Forces make outstanding classroom teachers. And in fields where we currently have teacher shortages, this bill provides $15 million for the Troops to Teachers program.

During the 2001–2002 school year, approximately 42 percent of the Nation's schools were located in rural areas or small towns, and approximately 30 percent of all students attended these schools. The average rural or small town school serves 364 students, compared to 609 students served by the average urban school.

The small size of many rural schools and districts presents a different set of problems from those of urban schools and districts. This bill provides over $171 million to meet the needs of schools in rural communities.

TRIO, GEAR UP, Vocational Education State grants and adult education programs have strong support from Members of this body. These programs were proposed for termination in the President's budget. However, we have allocated over $3 billion for the continuation of these important efforts.

Title III programs are designed to strengthen institutions of higher education that serve a high percentage of minority students and students from low-income backgrounds. Federal grants made under those programs go to eligible institutions to support improvements in the academic quality, institutional management, endowments and fiscal stability. Funding is targeted to minority-serving and other institutions that enroll a large proportion of financially disadvantaged students and have low per-student expenditures.

□ 1215

Fiscal year 2006 spending for Title III programs is at $506 million; combined with the funding for Howard University, our commitment to minority serving institutions exceeds $747 million.

The sharp rise in college costs continues to be a barrier to many students. Pell grants help ensure access to postsecondary education for low- and middle-income undergraduate students by providing financial assistance. This bill increases the maximum award of a Pell grant to $4,100, the highest level in history. As required by the budget resolution, the bill provides $4.3 billion to retire the shortfall that has accumulated in the program over the last several years because of higher-than-expected student participation in the program. And, that is good, that more students are participating.

Health care is a critical part of the Nation's economic development. To assist in protecting health of all Americans and provide essential human services, this bill provides the Department of Health and Human Services over $63 billion for fiscal year 2006. Mr. Chairman, similar to the Department of Education, we have more than doubled the funding for HHS since 1996 from $28.9 billion in fiscal year 1996 to $63.1 billion in this bill.

At the forefront of new progress in medicine, the National Institutes of Health supports and conducts medical research to understand how the human body works and to gain insight into countless diseases and disorders. It supports a wide spectrum of research to find cures covering many medical conditions that affect people. As a result of our commitment to NIH, our citizens are living longer and better lives. In 1900, the life expectancy was only 47 years. By 2003 it was almost 78 years. And I am sure that it would be even more today.

The 5-year doubling of the NIH budget completed in fiscal year 2003 both picked up the pace of discovery and heightened public expectations. We now expect NIH to carefully examine its portfolio and continue to be a good steward of the public's investment. Funding for NIH has increased by over $142 million, bringing its total budget to $28.5 billion.

It is certainly a serious commitment to health research. All the information and advances we have gained from NIH would be useless if it does not make its way to health care providers and individuals, those most responsible for their own health. Thus, the work for Centers for Disease Control and Prevention, better known as CDC, is critical to protecting the health and safety of people both at home and abroad. Infectious diseases such as SARS, West Nile Virus, HIV/AIDS, and tuberculosis have the ability to destroy lives, strain community resources, and even threaten nations. In today's global environment, new diseases have the potential to spread across the world in a matter of days, or even hours, making early detection and action more important than ever.

As the CDC director, Dr. Gerberding, and National Institutes of Health director, Dr. Zerhouni, have said, infectious disease and bioterrorism are one of the greatest threats to our safety and security today. CDC plays a critical role in controlling these diseases. Traveling at a moment's notice to investigate outbreaks both abroad and at home, CDC is watching over these particular and dangerous medical issues.

Recognizing the tremendous challenges faced by the CDC, we have provided nearly $6 billion for their budget in fiscal year 2006.

Mr. Chairman, as you know, many of the community health centers have served as America's health care safety net for the Nation's underserved populations. Health centers operating at the community level provide regular access to high-quality, family-oriented, comprehensive primary and preventative health care, regardless of ability to pay, and improve the health status of underserved populations living in inner-city and rural areas.

The health centers' target populations have lower life expectancy and higher death rates compared to the general population. These patients have less purchasing power and many are unable to afford even the most basic medical or dental attention. In 2003, the Community Health Centers served more than 12 million patients and I am sure many more in the last couple of years. Funding for the community health centers is $1.8 billion; again, an increase of $100 million over last year.

Children's hospitals across the Nation are the training grounds for our pediatricians and pediatric specialists. Many of these hospitals are regional and national referral centers for very sick children, often serving as the only source of care for many critical pediatric services. This bill provides $300 million to train these important caregivers who will care for America's youngest population, its children.

The AIDS Drug Assistance Program for funding is increased by $10 million and brings the Ryan White AIDS program total to over $2 billion. The increase in funding assists those infected with the virus in receiving vital medical attention.

We have provided nearly $6.9 billion for Head Start, a program designed primarily for preschoolers from low-income families. Head Start promotes school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social and other services.

The Low Income Home Energy Assistance Program ensures that low-income households are not without heating or cooling, and provides protection to our most vulnerable populations: the elderly, households with small children, and persons with disabilities. The

funds are distributed to the States through a formula grant program and we have provided nearly $2 billion for fiscal year 2006.

Mr. Chairman, our society is judged not only by the care we provide to our young, but also how we treat our elderly. We owe a profound debt of gratitude to a generation of older Americans whose hard work, courage, faith, sacrifice, and patriotism helped to make this Nation great.

Funding in the nutrition programs, including Meals On Wheels for the elderly, are increased by over $7 million. This bill provides nearly $1.4 billion to the Administration on Aging to enhance health care, nutrition, and social supports to seniors and their family caregivers.

The Labor Department. We ought to support the aspirations of people: good health, security, meaningful work, creative and intellectual pursuits. The Department of Labor places a key role in many important worker training and protection programs. Therefore, we have restored funding to core job training and employment assistance programs.

A number of communities continue to experience plant closings and other layoffs, and we understand the need to support dislocated worker training programs that can assist workers return to gainful employment. In this bill we restore funding for dislocated worker assistance programs to over $1.4 billion, an increase of $62 million over the budget request.

The Job Corps program provides a comprehensive and intensive array of training, career development, job placement and support services to our disadvantaged young people between the ages of 16 and 24. Many people who enroll in a Job Corps Center never completed their high school education and may have other barriers to sustaining a job. This program ensures that disadvantaged young people are afforded an opportunity to successfully participate in the Nation's workforce.

For fiscal year 2006 this bill provides over $1.5 billion for this program, an increase of $25 million over the President's request.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my chairman yielding. I rise just for a moment.

As you know, over the years in the Committee on Appropriations. I have not had the chance to serve on the gentleman's great subcommittee. Since I have the job chairing the whole committee now, I have involved myself in the gentleman's work; and I must say to my colleagues, our Members, as well as the public-at-large, the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) over the years have done a fabulous job, especially this year in a year of some constraint.

We may have to come up with some money for a sound system for ourselves.

Mr. Chairman, I just want my colleagues to know how impressed I am with the work both the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) have done on behalf of the American public, whether it be Indian health care, or preschool, or dealing with labor issues that can be very contentious, a fabulous job of priorities.

I particularly want to compliment the gentleman for the priority he has given to the kind of research and development that is extending the good health as well as the lives of our citizens. I have been very impressed with those people from NIH but also from the Centers for Disease Control, fabulously involving America in the most important work; that is, healthy lives and longer lives for our citizens. I compliment the gentleman and thank him very much for the time.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his comments.

Reclaiming my time, the Job Corps provides a comprehensive and intensive array of training, career development, job placement, and support services to disadvantaged young people between the ages of 16 and 24. Many people enrolled in the Job Corps Center never completed their high school education and have other barriers.

For fiscal year 2006, this bill provides over $1.5 billion for these programs and this is an increase. And we likewise protect the safety of workers.

Mr. Chairman, in order to implement more than 400 provisions of the Medicare Modernization Act and ensure that senior citizens receive the prescription drug benefits that we provide in MMA, we have allocated more than $1 billion over the fiscal year 2005 level to the Centers for Medicare and Medicaid Services and Social Security Administration.

While benefits that both of these agencies provide come through mandatory spending by way of the Committee on Ways and Means, this bill provides the funding for the agencies' administrative costs. Centers for Medicare and Medicaid Services pay about one-third of national health care expenditures and pay for more than one-half of all senior health care costs.

Let me repeat that. Medicare and Medicaid pay for more than one-half of all senior health care costs. More than 85 million Americans rely on these programs for health care coverage. Last year the Centers for Medicare and Medicaid Services processed over 1 billion claims, answered over 52 million inquiries and reviewed nearly 8 million appeals.

SSA, Social Security Administration, will also play a vital role in the implementation of the Medicaid Modernization Act, as they will identify low-income beneficiaries who might be eligible for drug benefit subsidies, make low-income subsidy determinations, withhold premiums appropriate to beneficiaries' selected plans, and calculate Part B premiums for high-income beneficiaries.

The increases provided to CMS and SSA will enable them to implement and improve delivery of benefits and expedite the processing of disability claims, and that is very important. This bill meets our financial commitment for effective administration of these programs and ensures efficient services to recipients.

In conclusion, Mr. Chairman, much more could be said about this bill which touches every American at some point in life. We are mindful of the fiscal limitations on our bill and we have tried to use the allocation to fund our highest priorities. This bill does its part, its best, to meet the American people's needs.

I want to say to my colleagues on the other side of the aisle and also on our side, it was a great subcommittee. Both Republican and Democrat members worked very well together, and we may have some disagreements on the amounts of money, but I think within the confines of what was available, we pretty much are in agreement with the assignment of priorities that were made. All the members participated very effectively.

It is a responsible, fair, and balanced bill and I ask my colleagues to support it.

Mr. Chairman, the following is a detailed table of the bill:

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE I - DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Adult Training, current year	184,618	153,736	153,736	-30,882	---
Advance from prior year	(706,304)	(712,000)	(712,000)	(+5,696)	---
FY 2007	712,000	712,000	712,000	---	---
Adult Training	896,618	865,736	865,736	-30,882	---
Youth Training	986,288	950,000	950,000	-36,288	---
Dislocated Worker Assistance, current year	345,264	226,867	345,264	---	+118,397
Advance from prior year	(841,216)	(848,000)	(848,000)	(+6,784)	---
FY 2007	848,000	848,000	848,000	---	---
Dislocated Worker Assistance	1,193,264	1,074,867	1,193,264	---	+118,397
Federally Administered Programs:					
Dislocated Worker Assistance National Reserve:					
Current year	70,800	56,717	---	-70,800	-56,717
Advance from prior year	(210,304)	(212,000)	(212,000)	(+1,696)	---
FY 2007	212,000	212,000	212,000	---	---
Dislocated Worker Assistance Nat'l Reserve	282,800	268,717	212,000	-70,800	-56,717
Less funding reserved for Community College Initiative (NA)	(-125,000)	---	---	(+125,000)	---
Dislocated Worker Assistance Nat'l Reserve	157,800	268,717	212,000	+54,200	-56,717
Total, Dislocated Worker Assistance	1,476,064	1,343,584	1,405,264	-70,800	+61,680
Native Americans	54,238	54,238	54,238	---	---
Migrant and Seasonal Farmworkers	75,759	---	75,759	---	+75,759
Job Corps:					
Operations	844,670	851,019	851,019	+6,349	---
Advance from prior year	(586,272)	(591,000)	(591,000)	(+4,728)	---
FY 2007	591,000	591,000	591,000	---	---
Construction and Renovation	16,190	---	---	-16,190	---
Advance from prior year	(99,200)	(100,000)	(100,000)	(+800)	---
FY 2007	100,000	75,000	100,000	---	+25,000
Subtotal, Job Corps	1,551,860	1,517,019	1,542,019	-9,841	+25,000
National Activities:					
Pilots, Demonstrations and Research	85,167	30,000	74,000	-11,167	+44,000
Responsible Reintegration of Youthful Offender	49,600	---	---	-49,600	---
Evaluation	7,936	7,936	7,936	---	---
Prisoner Re-entry	19,840	35,000	19,840	---	-15,160
Community College initiative	124,000	250,000	125,000	+1,000	-125,000
Community College initiative (NA) 1/	(125,000)	---	---	(-125,000)	---
Subtotal, CC initiative, program level	249,000	250,000	125,000	-124,000	-125,000
Denali Commission	6,944	---	---	-6,944	---
Other	3,458	2,000	2,000	-1,458	---
Subtotal, National activities	296,945	324,936	228,776	-68,169	-96,160
Subtotal, Federal activities	2,261,602	2,164,910	2,112,792	-148,810	-52,118
Current Year	1,358,602	1,286,910	1,209,792	-148,810	-77,118
FY 2007	903,000	878,000	903,000	---	+25,000
Total, Training and Employment Services	5,337,772	5,055,513	5,121,792	-215,980	+66,279

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Current Year	(2,874,772)	(2,617,513)	(2,658,792)	(-215,980)	(+41,279)
FY 2007	(2,463,000)	(2,438,000)	(2,463,000)	---	(+25,000)
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	436,678	436,678	436,678	---	---
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	1,057,300	966,400	966,400	-90,900	---
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation:					
State Operations	2,663,040	2,622,499	2,622,499	-40,541	---
National Activities	10,416	10,416	10,416	---	---
Subtotal, Unemployment Compensation	2,673,456	2,632,915	2,632,915	-40,541	---
Employment Service:					
Allotments to States:					
Federal Funds	23,114	23,300	23,300	+186	---
Trust Funds	757,478	672,700	672,700	-84,778	---
Subtotal, allotments to States	780,592	696,000	696,000	-84,592	---
ES National Activities	64,976	33,766	33,766	-31,210	---
Subtotal, Employment Service	845,568	729,766	729,766	-115,802	---
Federal Funds	23,114	23,300	23,300	+186	---
Trust Funds	822,454	706,466	706,466	-115,988	---
One-Stop Career Centers/Labor Market Information	97,974	87,974	87,974	-10,000	---
Work Incentives Grants	19,711	19,711	19,711	---	---
Total, State Unemployment & Employment Srvcs	3,636,709	3,470,366	3,470,366	-166,343	---
Federal Funds	140,799	130,985	130,985	-9,814	---
Trust Funds	3,495,910	3,339,381	3,339,381	-156,529	---
ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/	517,000	465,000	465,000	-52,000	---
PROGRAM ADMINISTRATION					
Adult Employment and Training	38,874	44,631	44,631	+5,757	---
Trust Funds	6,901	7,925	7,925	+1,024	---
Youth Employment and Training	39,627	38,805	38,805	-822	---
Employment Security	6,045	6,039	6,039	-6	---
Trust Funds	48,235	77,952	77,952	+29,717	---
Apprenticeship Services	21,136	21,655	21,655	+519	---
Executive Direction	6,845	6,993	6,993	+148	---
Trust Funds	2,065	2,111	2,111	+46	---
Welfare to Work	373	---	---	-373	---
Total, Program Administration	170,101	206,111	206,111	+36,010	---
Federal Funds	112,900	118,123	118,123	+5,223	---
Trust Funds	57,201	87,988	87,988	+30,787	---
Total, Employment and Training Administration	11,155,560	10,600,068	10,666,347	-489,213	+66,279
Federal Funds	7,602,449	7,172,699	7,238,978	-363,471	+66,279
Current Year	(5,139,449)	(4,734,699)	(4,775,978)	(-363,471)	(+41,279)
FY 2007	(2,463,000)	(2,438,000)	(2,463,000)	---	(+25,000)
Trust Funds	3,553,111	3,427,369	3,427,369	-125,742	---
EMPLOYEE BENEFITS SECURITY ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement and Participant Assistance	109,374	114,462	114,462	+5,088	---
Policy and Compliance Assistance	17,357	17,458	17,458	+101	---
Executive Leadership, Program Oversight and Admin	4,482	5,080	5,080	+598	---
Total, EBSA	131,213	137,000	137,000	+5,787	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
PENSION BENEFIT GUARANTY CORPORATION					
Pension insurance activities	(12,211)	(42,122)	(42,122)	(+29,911)	---
Pension plan termination	(169,739)	(161,117)	(161,117)	(-8,622)	---
Operational support	(84,380)	(93,739)	(93,739)	(+9,359)	---
Total, PBGC (Program level)	(266,330)	(296,978)	(296,978)	(+30,648)	---
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of Wage and Hour Standards	164,493	167,359	167,359	+2,866	---
Office of Labor-Management Standards	41,681	48,799	48,799	+7,118	---
Federal Contractor EEO Standards Enforcement	80,059	82,106	82,106	+2,047	---
Federal Programs for Workers' Compensation	97,339	100,129	100,129	+2,790	---
Trust Funds	2,023	2,048	2,048	+25	---
Program Direction and Support	15,252	15,891	15,891	+639	---
Total, ESA salaries and expenses	400,847	416,332	416,332	+15,485	---
Federal Funds	398,824	414,284	414,284	+15,460	---
Trust Funds	2,023	2,048	2,048	+25	---
SPECIAL BENEFITS					
Federal employees compensation benefits	230,000	234,000	234,000	+4,000	---
Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---
Total, Special Benefits	233,000	237,000	237,000	+4,000	---
SPECIAL BENEFITS FOR DISABLED COAL MINERS					
Benefit payments	358,806	308,000	308,000	-50,806	---
Administration	5,191	5,250	5,250	+59	---
Subtotal, FY 2006 program level	363,997	313,250	313,250	-50,747	---
Less funds advanced in prior year	-88,000	-81,000	-81,000	+7,000	---
Total, Current Year, FY 2006	275,997	232,250	232,250	-43,747	---
New advances, 1st quarter FY 2007	81,000	74,000	74,000	-7,000	---
Total, Special Benefits for Disabled Coal Miners	356,997	306,250	306,250	-50,747	---
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND, Part B Administrative Expenses	40,321	96,081	96,081	+55,760	---
BLACK LUNG DISABILITY TRUST FUND					
Benefit payments and interest on advances	1,004,951	1,010,011	1,010,011	+5,060	---
Employment Standards Adm. S&E	32,615	33,050	33,050	+435	---
Departmental Management S&E	23,705	24,239	24,239	+534	---
Departmental Management, Inspector General	342	344	344	+2	---
Subtotal, Black Lung Disability	1,061,613	1,067,644	1,067,644	+6,031	---
Treasury Administrative Costs	356	356	356	---	---
Total, Black Lung Disability Trust Fund	1,061,969	1,068,000	1,068,000	+6,031	---
Total, Employment Standards Administration	2,093,134	2,123,663	2,123,663	+30,529	---
Federal Funds	2,091,111	2,121,615	2,121,615	+30,504	---
Current year	(2,010,111)	(2,047,615)	(2,047,615)	(+37,504)	---
FY 2007	(81,000)	(74,000)	(74,000)	(-7,000)	---
Trust Funds	2,023	2,048	2,048	+25	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and Health Standards	16,003	16,628	16,628	+625	---
Federal Enforcement	169,652	174,318	174,318	+4,666	---
State Programs	91,013	92,013	92,013	+1,000	---
Technical Support	20,742	21,652	21,652	+910	---
Compliance Assistance:					
Federal Assistance	70,859	73,278	73,278	+2,419	---
State Consultation Grants	53,362	53,896	53,896	+534	---
Training Grants	10,218	---	10,218	---	+10,218
Subtotal, Compliance Assistance	134,439	127,174	137,392	+2,953	+10,218
Safety and Health Statistics	22,203	24,498	24,498	+2,295	---
Executive Direction and Administration	10,106	10,698	10,698	+592	---
Total, OSHA	464,158	466,981	477,199	+13,041	+10,218
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Coal Enforcement	115,251	118,335	118,335	+3,084	---
Metal/Non-Metal Enforcement	66,752	68,750	68,750	+1,998	---
Standards Development	2,334	2,506	2,506	+172	---
Assessments	5,238	5,445	5,445	+207	---
Educational Policy and Development	31,255	32,021	32,021	+766	---
Technical Support	25,111	25,736	25,736	+625	---
Program evaluation and information resources (PEIR)	17,525	15,671	15,671	-1,854	---
Program Administration	15,670	12,026	12,026	-3,644	---
Total, Mine Safety and Health Administration	279,136	280,490	280,490	+1,354	---
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	162,714	167,047	167,047	+4,333	---
Labor Market Information (Trust Funds)	77,845	77,845	77,845	---	---
Prices and Cost of Living	169,370	174,779	174,779	+5,409	---
Compensation and Working Conditions	78,942	81,532	81,532	+2,590	---
Productivity and Technology	10,503	10,847	10,847	+344	---
Executive Direction and Staff Services	29,629	30,473	30,473	+844	---
Total, Bureau of Labor Statistics	529,003	542,523	542,523	+13,520	---
Federal Funds	451,158	464,678	464,678	+13,520	---
Trust Funds	77,845	77,845	77,845	---	---
OFFICE OF DISABILITY EMPLOYMENT POLICY					
Ofce of Disability Employ. Policy, Salaries & expenses	47,164	27,934	27,934	-19,230	---
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive Direction	26,720	29,504	29,504	+2,784	---
Departmental IT Crosscut	29,760	29,760	29,760	---	---
Departmental Management Crosscut	4,960	1,700	1,700	-3,260	---
Legal Services	79,769	81,907	81,907	+2,138	---
Trust Funds	311	311	311	---	---
International Labor Affairs	93,248	12,419	12,419	-80,829	---
Administration and Management	32,414	33,197	33,197	+783	---
Frances Perkins building security enhancements	6,944	6,944	6,944	---	---
Adjudication	25,665	27,126	27,126	+1,461	---
Women's Bureau	9,478	9,764	9,764	+286	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Civil Rights Activities	6,237	6,451	6,451	+214	---
Chief Financial Officer	5,182	5,340	5,340	+158	---
Total, Salaries and expenses	320,688	244,423	244,423	-76,265	---
Federal Funds	320,377	244,112	244,112	-76,265	---
Trust Funds	311	311	311	---	---
VETERANS EMPLOYMENT AND TRAINING					
State administration, Grants	161,097	162,415	162,415	+1,318	---
Federal Administration	30,438	30,435	30,435	-3	---
National Veterans Training Institute	1,984	1,984	1,984	---	---
Homeless Veterans Program	20,832	22,000	22,000	+1,168	---
Veterans Workforce Investment Programs	8,482	7,500	7,500	-982	---
Total, Veterans Employment and Training	222,833	224,334	224,334	+1,501	---
Federal Funds	29,314	29,500	29,500	+186	---
Trust Funds	193,519	194,834	194,834	+1,315	---
OFFICE OF THE INSPECTOR GENERAL					
Program Activities	63,478	65,211	65,211	+1,733	---
Trust Funds	5,517	5,608	5,608	+91	---
Total, Office of the Inspector General	68,995	70,819	70,819	+1,824	---
Federal funds	63,478	65,211	65,211	+1,733	---
Trust funds	5,517	5,608	5,608	+91	---
Total, Departmental Management	612,516	539,576	539,576	-72,940	---
Federal Funds	413,169	338,823	338,823	-74,346	---
Trust Funds	199,347	200,753	200,753	+1,406	---
WORKING CAPITAL FUND					
Working capital fund	9,920	6,230	6,230	-3,690	---
Total, Title I, Department of Labor	15,321,804	14,724,465	14,800,962	-520,842	+76,497
Federal Funds	11,489,478	11,016,450	11,092,947	-396,531	+76,497
Current Year	(8,945,478)	(8,504,450)	(8,555,947)	(-389,531)	(+51,497)
FY 2007	(2,544,000)	(2,512,000)	(2,537,000)	(-7,000)	(+25,000)
Trust Funds	3,832,326	3,708,015	3,708,015	-124,311	---

Title I Footnotes:
1/ Funding from the Dislocated Worker National Reserve
2/ Two year availability

TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

BUREAU OF PRIMARY HEALTH CARE

Community health centers	1,734,311	2,037,871	1,834,311	+100,000	-203,560
Free Clinics Medical Malpractice	99	---	---	-99	---
Radiation Exposure Compensation Act	1,958	1,936	1,900	-58	-36
Healthy Community Access Program	82,993	---	---	-82,993	---
Hansen's Disease Services	17,251	16,066	16,066	-1,185	---
Buildings and Facilities	247	222	222	-25	---
Payment to Hawaii, treatment of Hansen's	2,017	2,016	2,016	-1	---
Black lung clinics	5,951	5,912	5,912	-39	---
Subtotal, Bureau of Primary Health Care	1,844,827	2,064,023	1,860,427	+15,600	-203,596

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
BUREAU OF HEALTH PROFESSIONS					
National Health Service Corps:					
Field placements	45,068	40,705	40,705	-4,363	---
Recruitment	86,380	86,091	86,091	-289	---
Subtotal, National Health Service Corps	131,448	126,796	126,796	-4,652	---
Health Professions					
Training for Diversity:					
Centers of excellence	33,609	---	12,000	-21,609	+12,000
Health careers opportunity program	35,647	---	---	-35,647	---
Faculty loan repayment	1,302	---	---	-1,302	---
Scholarships for disadvantaged students	47,128	9,831	35,128	-12,000	+25,297
Subtotal, Training for Diversity	117,686	9,831	47,128	-70,558	+37,297
Training in Primary Care Medicine and Dentistry	88,816	---	---	-88,816	---
Interdisciplinary Community-Based Linkages:					
Area health education centers	28,971	---	---	-28,971	---
Health education and training centers	3,819	---	---	-3,819	---
Allied health and other disciplines	11,753	---	---	-11,753	---
Geriatric programs	31,548	---	---	-31,548	---
Quentin N. Burdick program for rural training	6,076	---	---	-6,076	---
Subtotal, Interdisciplinary Comm. Linkages	82,167	---	---	-82,167	---
Health Professions Workforce Info & Analysis	716	712	---	-716	-712
Public Health Workforce Development:					
Public health, preventive med. and dental programs	9,097	---	---	-9,097	---
Health administration programs	1,070	---	---	-1,070	---
Subtotal, Public Health Workforce Development	10,167	---	---	-10,167	---
Nursing Programs:					
Advanced Education Nursing	58,160	42,806	57,637	-523	+14,831
Nurse education, practice, and retention	36,468	46,325	36,468	---	-9,857
Nursing workforce diversity	16,270	21,244	16,270	---	-4,974
Loan repayment and scholarship program	31,482	31,369	31,369	-113	---
Comprehensive geriatric education	3,450	3,426	3,426	-24	---
Nursing faculty loan program	4,831	4,821	4,821	-10	---
Subtotal, Nursing programs	150,661	149,991	149,991	-670	---
Subtotal, Health Professions	450,213	160,534	197,119	-253,094	+36,585
Children's Hospitals Graduate Medical Education	300,730	200,000	300,000	-730	+100,000
National Practitioner Data Bank	15,700	15,700	15,700	---	---
User Fees	-15,700	-15,700	-15,700	---	---
Health Care Integrity and Protection Data Bank	4,000	4,000	4,000	---	---
User Fees	-4,000	-4,000	-4,000	---	---
Subtotal, Bureau of Health Professions	882,391	487,330	623,915	-258,476	+136,585
MATERNAL AND CHILD HEALTH BUREAU					
Maternal and Child Health Block Grant	723,928	723,928	700,000	-23,928	-23,928
Sickle cell service demonstration program	198	---	---	-198	---
Traumatic Brain Injury	9,297	---	9,000	-297	+9,000
Healthy Start	102,543	97,747	97,747	-4,796	---
Universal Newborn Hearing	9,792	---	10,000	+208	+10,000
Emergency medical services for children	19,830	---	19,000	-830	+19,000
Poison control	23,499	23,301	23,301	-198	---
Subtotal, Maternal and Child Health Bureau	889,087	844,976	859,048	-30,039	+14,072

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
HIV/AIDS BUREAU					
Ryan White AIDS Programs:					
Emergency Assistance	610,094	610,094	610,094	---	---
Comprehensive Care Programs	1,121,836	1,131,836	1,131,836	+10,000	---
AIDS Drug Assistance Program (ADAP) (NA)	(787,521)	(797,521)	(797,521)	(+10,000)	---
Early Intervention Program	195,578	195,578	195,578	---	---
Pediatric HIV/AIDS	72,519	72,519	72,519	---	---
AIDS Dental Services	13,218	13,218	13,218	---	---
Education and Training Centers	35,051	35,051	35,051	---	---
Subtotal, Ryan White AIDS programs	2,048,296	2,058,296	2,058,296	+10,000	---
Evaluation Tap Funding (NA)	(25,000)	(25,000)	(25,000)	---	---
Subtotal, Ryan White AIDs program level	(2,073,296)	(2,083,296)	(2,083,296)	(+10,000)	---
Telehealth	3,916	3,888	3,888	-28	---
Subtotal, HIV/AIDS Bureau	2,052,212	2,062,184	2,062,184	+9,972	---
SPECIAL PROGRAMS BUREAU					
Organ Transplantation	24,413	23,282	23,282	-1,131	---
Cord Blood Stem Cell Bank	9,859	---	---	-9,859	---
Bone Marrow Program	25,416	22,916	25,416	---	+2,500
Trauma Care	3,418	---	---	-3,418	---
State Planning Grants for Health Care Access	10,910	---	---	-10,910	---
Subtotal, Special programs bureau	74,016	46,198	48,698	-25,318	+2,500
RURAL HEALTH PROGRAMS					
Rural outreach grants	39,278	10,767	10,767	-28,511	---
Rural Health Research	8,825	8,528	---	-8,825	-8,528
Rural Hospital Flexibility Grants	39,180	---	39,180	---	+39,180
Rural and community access to emergency devices	8,927	1,960	1,960	-6,967	---
Rural EMS	496	---	---	-496	---
State Offices of Rural Health	8,321	8,223	8,223	-98	---
Denali Commission	39,680	---	---	-39,680	---
Subtotal, Rural health programs	144,707	29,478	60,130	-84,577	+30,652
Family Planning	285,963	285,963	285,963	---	---
Health Care-related Facilities and activities	482,729	---	---	-482,729	---
Bioterrorism hospital grants to States 1/	---	---	500,000	+500,000	+500,000
Program Management	147,080	145,992	145,992	-1,088	---
Total, Health resources and services	6,803,012	5,966,144	6,446,357	-356,655	+480,213
Total, Health resources & services program level	(6,828,012)	(5,991,144)	(6,471,357)	(-356,655)	(+480,213)
Evaluation tap funding	(25,000)	(25,000)	(25,000)	---	---
HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM:					
Liquidating account	(4,000)	(4,000)	(4,000)	---	---
Program management	3,244	2,916	2,916	-328	---
Total, HEAL	3,244	2,916	2,916	-328	---
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:					
Post-FY 1988 claims	66,000	70,884	70,884	+4,884	---
HRSA administration	3,151	2,832	3,500	+349	+668
Total, Vaccine Injury Compensation Trust Fund	69,151	73,716	74,384	+5,233	+668
Total, Health Resources and Services Admin	6,875,407	6,042,776	6,523,657	-351,750	+480,881
Total, HRSA program level	(6,904,407)	(6,071,776)	(6,552,657)	(-351,750)	(+480,881)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
CENTERS FOR DISEASE CONTROL AND PREVENTION					
Infectious Diseases	1,667,095	1,696,964	1,704,529	+37,434	+7,565
Evaluation Tap Funding	(12,794)	(12,794)	(12,794)	---	---
Subtotal, Program level	(1,679,889)	(1,709,758)	(1,717,323)	(+37,434)	(+7,565)
Health Promotion	1,021,709	964,421	983,647	-38,062	+19,226
Health Information and Service	94,438	89,564	195,069	+100,631	+105,505
Evaluation Tap Funding	(134,235)	(134,235)	(28,730)	(-105,505)	(-105,505)
Subtotal, Program level	(228,673)	(223,799)	(223,799)	(-4,874)	---
Environmental health and injury	285,721	284,820	285,721	---	+901
Occupational safety and health 2/	198,970	198,859	164,170	-34,800	-34,689
Evaluation Tap Funding	(87,071)	(87,071)	(87,071)	---	---
Subtotal, Program level 2/	(286,041)	(285,930)	(251,241)	(-34,800)	(-34,689)
Global health	293,863	306,079	309,076	+15,213	+2,997
Supplemental (P.L. 109-13) (emergency)	15,000	---	---	-15,000	---
Subtotal, Program level	(308,863)	(306,079)	(309,076)	(+213)	(+2,997)
Terrorism preparedness and response 1/	---	---	1,616,723	+1,616,723	+1,616,723
Public Health research:					
Evaluation Tap Funding	(31,000)	(31,000)	(31,000)	---	---
Public health improvement and leadership	266,842	206,541	258,541	-8,301	+52,000
Preventive health and health services block grant	118,526	---	100,000	-18,526	+100,000
Buildings and Facilities	269,708	30,000	30,000	-239,708	---
Business services	278,838	263,715	298,515	+19,677	+34,800
Total, Centers for Disease Control	4,510,710	4,040,963	5,945,991	+1,435,281	+1,905,028
Evaluation Tap Funding (NA)	(265,100)	(265,100)	(159,595)	(-105,505)	(-105,505)
Total, Centers for Disease Control program level	(4,775,810)	(4,306,063)	(6,105,586)	(+1,329,776)	(+1,799,523)
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	4,825,259	4,841,774	4,841,774	+16,515	---
National Heart, Lung, and Blood Institute	2,941,201	2,951,270	2,951,270	+10,069	---
National Institute of Dental & Craniofacial Research	391,829	393,269	393,269	+1,440	---
National Institute of Diabetes and Digestive and Kidney Diseases	1,713,584	1,722,146	1,722,146	+8,562	---
Juvenile diabetes (mandatory)	(150,000)	(150,000)	(150,000)	---	---
Subtotal, NIDDK	(1,863,584)	(1,872,146)	(1,872,146)	(+8,562)	---
National Institute of Neurological Disorders & Stroke	1,539,448	1,550,260	1,550,260	+10,812	---
National Institute of Allergy and Infectious Diseases	4,303,640	4,359,395	4,359,395	+55,755	---
Global HIV/AIDS Fund Transfer	99,200	100,000	---	-99,200	-100,000
Subtotal, NIAID	4,402,840	4,459,395	4,359,395	-43,445	-100,000
National Institute of General Medical Sciences	1,944,067	1,955,170	1,955,170	+11,103	---
National Institute of Child Health & Human Development	1,270,321	1,277,544	1,277,544	+7,223	---
National Eye Institute	669,070	673,491	673,491	+4,421	---
National Institute of Environmental Health Sciences	644,505	647,608	647,608	+3,103	---
National Institute on Aging	1,051,990	1,057,203	1,057,203	+5,213	---
National Institute of Arthritis and Musculoskeletal and Skin Diseases	511,157	513,063	513,063	+1,906	---
National Institute on Deafness and Other Communication Disorders	394,259	397,432	397,432	+3,173	---
National Institute of Nursing Research	138,072	138,729	138,729	+657	---
National Institute on Alcohol Abuse and Alcoholism	438,277	440,333	440,333	+2,056	---
National Institute on Drug Abuse	1,006,419	1,010,130	1,010,130	+3,711	---
National Institute of Mental Health	1,411,933	1,417,692	1,417,692	+5,759	---
National Human Genome Research Institute	488,608	490,959	490,959	+2,351	---
National Institute of Biomedical Imaging and Bioengineering	298,209	299,808	299,808	+1,599	---
National Center for Research Resources	1,115,090	1,100,203	1,100,203	-14,887	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
National Center for Complementary and Alternative Medicine	122,105	122,692	122,692	+587	---
National Center on Minority Health and Health Disparities	196,159	197,379	197,379	+1,220	---
John E. Fogarty International Center	66,632	67,048	67,048	+416	---
National Library of Medicine	315,146	318,091	318,091	+2,945	---
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	---	---
Subtotal, NLM	323,346	326,291	326,291	+2,945	---
Office of the Director 1/	358,047	385,195	482,216	+124,169	+97,021
Biodefense countermeasures 1/	---	---	(97,021)	(+97,021)	(+97,021)
Buildings and Facilities	110,288	81,900	81,900	-28,388	---
Total, National Institutes of Health (NIH)	28,364,515	28,509,784	28,506,805	+142,290	-2,979
Global HIV/AIDS Fund Transfer	-99,200	-100,000	---	+99,200	+100,000
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	---	---
Total, NIH, Program Level	(28,273,515)	(28,417,984)	(28,515,005)	(+241,490)	(+97,021)
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)					
Mental Health:					
Programs of Regional and National Significance	274,297	210,213	253,257	-21,040	+43,044
Mental Health block grant	410,953	410,953	410,953	---	---
Evaluation Tap Funding	(21,803)	(21,803)	(21,803)	---	---
Subtotal, Program level	(432,756)	(432,756)	(432,756)	---	---
Children's Mental Health	105,112	105,129	105,129	+17	---
Grants to States for the Homeless (PATH)	54,809	54,809	54,809	---	---
Protection and Advocacy	34,343	34,343	34,343	---	---
Subtotal, Mental Health	879,514	815,447	858,491	-21,023	+43,044
Subtotal, Program level	(901,317)	(837,250)	(880,294)	(-21,023)	(+43,044)
Substance Abuse Treatment:					
Programs of Regional and National Significance	418,066	442,752	405,131	-12,935	-37,621
Evaluation Tap Funding	(4,300)	(4,300)	(4,300)	---	---
Subtotal, Program level	(422,366)	(447,052)	(409,431)	(-12,935)	(-37,621)
Substance Abuse block grant	1,696,355	1,696,355	1,696,355	---	---
Evaluation Tap Funding	(79,200)	(79,200)	(79,200)	---	---
Subtotal, Program level	(1,775,555)	(1,775,555)	(1,775,555)	---	---
Subtotal, Substance Abuse Treatment	2,114,421	2,139,107	2,101,486	-12,935	-37,621
Subtotal, Program level	(2,197,921)	(2,222,607)	(2,184,986)	(-12,935)	(-37,621)
Substance Abuse Prevention:					
Programs of Regional and National Significance	198,725	184,349	194,950	-3,775	+10,601
Program Management	75,806	75,817	75,817	+11	---
Evaluation Tap funding (NA)	(18,000)	(16,000)	(16,000)	(-2,000)	---
Subtotal, Program level	93,806	91,817	91,817	-1,989	---
Total, SAMHSA	3,268,466	3,214,720	3,230,744	-37,722	+16,024
Evaluation Tap funding	(123,303)	(121,303)	(121,303)	(-2,000)	---
Total, SAMHSA program level	(3,391,769)	(3,336,023)	(3,352,047)	(-39,722)	(+16,024)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY					
Research on Health Costs, Quality, and Outcomes:					
Federal Funds	---	---	318,695	+318,695	+318,695
Evaluation Tap funding (NA)	(260,695)	(260,695)	---	(-260,695)	(-260,695)
Clinial effectiveness research (NA)	(15,000)	(15,000)	---	(-15,000)	(-15,000)
Reducing medical errors (NA)	(84,000)	(84,000)	---	(-84,000)	(-84,000)
Subtotal, Program level	(260,695)	(260,695)	(318,695)	(+58,000)	(+58,000)
Health Insurance and Expenditure Surveys:					
Evaluation Tap funding (NA)	(55,300)	(55,300)	---	(-55,300)	(-55,300)
Program Support:					
Evaluation Tap funding (NA)	(2,700)	(2,700)	---	(-2,700)	(-2,700)
Total, AHRQ	---	---	318,695	+318,695	+318,695
Evaluation Tap funding (NA)	(318,695)	(318,695)	---	(-318,695)	(-318,695)
Total, AHRQ program level	(318,695)	(318,695)	(318,695)	---	---
Total, Public Health Service appropriation	43,019,098	41,808,243	44,525,892	+1,506,794	+2,717,649
Total, Public Health Service program level	(43,664,196)	(42,450,541)	(44,843,990)	(+1,179,794)	(+2,393,449)
CENTERS FOR MEDICARE AND MEDICAID SERVICES					
GRANTS TO STATES FOR MEDICAID					
Medicaid current law benefits	171,407,893	204,166,276	204,166,276	+32,758,383	---
State and local administration	9,318,602	9,803,100	9,803,100	+484,498	---
Vaccines for Children	1,468,799	1,502,333	1,502,333	+33,534	---
Subtotal, Medicaid program level	182,195,294	215,471,709	215,471,709	+33,276,415	---
Less funds advanced in prior year	-58,416,275	-58,517,290	-58,517,290	-101,015	---
Total, Grants to States for medicaid	123,779,019	156,954,419	156,954,419	+33,175,400	---
New advance, 1st quarter	58,517,290	62,783,825	62,783,825	+4,266,535	---
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Supplemental medical insurance	114,002,000	128,015,000	128,015,000	+14,013,000	---
Hospital insurance for the uninsured	87,000	202,000	202,000	+115,000	---
Federal uninsured payment	199,000	206,000	206,000	+7,000	---
Program management	215,000	164,000	164,000	-51,000	---
General revenue for Part D benefit	---	53,596,000	53,596,000	+53,596,000	---
General revenue for Part D administration (CMS)	---	357,000	357,000	+357,000	---
General revenue for Part D administration (SSA)	---	320,000	320,000	+320,000	---
HCFAC reimbursement	---	80,000	---	---	-80,000
Prescription drug eligibility determinations	105,900	99,100	99,100	-6,800	---
Subtotal, Payments to Trust Funds, current law	114,608,900	183,039,100	182,959,100	+68,350,200	-80,000
Less funds advanced in prior year	---	-5,216,900	-5,216,900	-5,216,900	---
New Advance FY 2007	5,216,900	---	---	-5,216,900	---
Total, Payments to Trust Funds, current law	119,825,800	177,822,200	177,742,200	+57,916,400	-80,000
PROGRAM MANAGEMENT					
Medicare reform funding 3/ 4/ 5/ (NA)	(250,000)	(250,000)	(250,000)	---	---
Research, Demonstration, Evaluation	77,494	45,194	65,000	-12,494	+19,806
Medicare Operations	1,722,984	2,189,987	2,172,987	+450,003	-17,000
H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	---	---
Subtotal, Medicare Operations program level	(2,442,984)	(2,909,987)	(2,892,987)	(+450,003)	(-17,000)

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Revitalization plan	24,205	24,205	24,205	---	---
State Survey and Certification	258,735	260,735	260,735	+2,000	---
Federal Administration	581,493	657,357	657,357	+75,864	---
Total, Program management, Limitation on new BA	2,664,911	3,177,478	3,180,284	+515,373	+2,806
Total, Program management, program level	(3,384,911)	(3,897,478)	(3,900,284)	(+515,373)	(+2,806)
Health Care Fraud and Abuse Control:					
Part D drug benefit/medicare advantage (MIP)	---	75,000	---	---	-75,000
Medicaid and SCHIP financial management	---	5,000	---	---	-5,000
Total, Health Care Fraud and Abuse Control	---	80,000	---	---	-80,000
Total, Center for Medicare and Medicaid Services	304,787,020	400,817,922	400,660,728	+95,873,708	-157,194
Federal funds	302,122,109	397,560,444	397,480,444	+95,358,335	-80,000
Current year	(238,387,919)	(334,776,619)	(334,696,619)	(+96,308,700)	(-80,000)
New advance, FY 2007	(63,734,190)	(62,783,825)	(62,783,825)	(-950,365)	---
Trust Funds	2,664,911	3,257,478	3,180,284	+515,373	-77,194
ADMINISTRATION FOR CHILDREN AND FAMILIES					
FAMILY SUPPORT PAYMENTS TO STATES					
Payments to territories	23,000	33,000	33,000	+10,000	---
Repatriation	1,000	1,300	1,300	+300	---
Subtotal, Welfare payments	24,000	34,300	34,300	+10,300	---
Child Support Enforcement:					
State and local administration	3,610,465	3,715,816	3,715,816	+105,351	---
Federal incentive payments	446,000	458,000	458,000	+12,000	---
Access and visitation	10,000	12,000	12,000	+2,000	---
Subtotal, Child Support Enforcement	4,066,465	4,185,816	4,185,816	+119,351	---
Total, Family support payments program level	4,090,465	4,220,116	4,220,116	+129,651	---
Less funds advanced in previous years	-1,200,000	-1,200,000	-1,200,000	---	---
Total, Family support payments, current request	2,890,465	3,020,116	3,020,116	+129,651	---
New advance, 1st quarter, FY 2007	1,200,000	1,200,000	1,200,000	---	---
Total, Family support payments	4,090,465	4,220,116	4,220,116	+129,651	---
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM					
Formula grants	1,884,799	1,800,000	1,984,799	+100,000	+184,799
Emergency allocation:					
Contingent emergency allocation	---	200,000	---	---	-200,000
Emergency allocation	297,600	---	---	-297,600	---
Total, Low income home energy assistance	2,182,399	2,000,000	1,984,799	-197,600	-15,201
REFUGEE AND ENTRANT ASSISTANCE					
Transitional and Medical Services	192,028	264,129	264,129	+72,101	---
Victims of Trafficking	9,915	9,915	9,915	---	---
Social Services	164,888	151,121	160,000	-4,888	+8,879
Preventive Health	4,796	4,796	4,796	---	---
Targeted Assistance	49,081	49,081	49,081	---	---
Unaccompanied minors	53,771	63,083	63,083	+9,312	---
Victims of Torture	9,915	9,915	9,915	---	---
Total, Refugee and entrant assistance	484,394	552,040	560,919	+76,525	+8,879

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,082,921	2,082,910	2,082,910	-11	---
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	---	---
CHILDREN AND FAMILIES SERVICES PROGRAMS					
Programs for Children, Youth and Families:					
Head Start, current funded	5,454,314	5,499,336	5,499,000	+44,686	-336
Advance from prior year	(1,388,800)	(1,400,000)	(1,400,000)	(+11,200)	---
FY 2007	1,400,000	1,388,800	1,400,000	---	+11,200
Subtotal, Head Start, program level	6,843,114	6,899,336	6,899,000	+55,886	-336
Consolidated Runaway, Homeless Youth Program	88,724	88,728	88,728	+4	---
Maternity Group Homes	---	10,000	---	---	-10,000
Prevention grants to reduce abuse of runaway youth	15,178	15,179	15,179	+1	---
Child Abuse State Grants	27,280	27,280	27,280	---	---
Child Abuse Discretionary Activities	31,640	31,645	31,645	+5	---
Community based child abuse prevention	42,858	42,859	42,859	+1	---
Abandoned Infants Assistance	11,955	11,955	11,955	---	---
Child Welfare Services	289,650	289,650	289,650	---	---
Child Welfare Training	7,409	7,409	7,409	---	---
Adoption Opportunities	27,116	27,119	27,119	+3	---
Adoption Incentive (no cap adjustment)	31,846	31,846	31,846	---	---
Adoption Awareness	12,802	12,802	12,802	---	---
Compassion Capital Fund	54,549	100,000	75,000	+20,451	-25,000
Social Services and Income Maintenance Research	26,012	---	2,621	-23,391	+2,621
Evaluation tap funding	(6,000)	(6,000)	(8,000)	(+2,000)	(+2,000)
Subtotal, Program level	(32,012)	(6,000)	(10,621)	(-21,391)	(+4,621)
Developmental Disabilities Programs:					
State Councils	72,496	72,496	72,496	---	---
Protection and Advocacy	38,109	38,109	38,109	---	---
Voting access for individuals with disabilities	14,879	14,879	14,879	---	---
Developmental Disabilities Projects of National Significance	11,542	11,529	11,529	-13	---
University Centers for Excellence in Developmental Disabilities	31,549	31,548	33,548	+1,999	+2,000
Subtotal, Developmental disabilities programs	168,575	168,561	170,561	+1,986	+2,000
Native American Programs	44,786	44,780	44,780	-6	---
Community Services:					
Grants to States for Community Services	636,793	---	320,000	-316,793	+320,000
Community Initiative Program:					
Economic Development	32,731	---	32,731	---	+32,731
Individual Development Account Initiative	24,704	24,699	24,699	-5	---
Rural Community Facilities	7,242	---	7,242	---	+7,242
Subtotal, Community Initiative Program	64,677	24,699	64,672	-5	+39,973
National Youth Sports	17,856	---	---	-17,856	---
Community Food and Nutrition	7,180	---	---	-7,180	---
Subtotal, Community Services	726,506	24,699	384,672	-341,834	+359,973

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Domestic Violence Hotline	3,224	3,000	3,000	-224	---
Family Violence/Battered Women's Shelters	125,630	125,991	125,991	+361	---
Early Learning Fund	35,712	---	---	-35,712	---
Mentoring Children of Prisoners	49,598	49,993	49,993	+395	---
Independent Living Training Vouchers	46,623	59,999	50,000	+3,377	-9,999
Abstinence Education	99,198	138,045	110,000	+10,802	-28,045
Evaluation Tap Funding	(4,500)	(4,500)	(4,500)	---	---
Subtotal, Program level	(103,698)	(142,545)	(114,500)	(+10,802)	(-28,045)
Faith-Based Center	1,375	1,400	1,400	+25	---
Program Direction	185,210	185,217	185,217	+7	---
Total, Children and Families Services Programs	9,007,770	8,386,293	8,688,707	-319,063	+302,414
Current Year	(7,607,770)	(6,997,493)	(7,288,707)	(-319,063)	(+291,214)
FY 2007	(1,400,000)	(1,388,800)	(1,400,000)	---	(+11,200)
Evaluation Tap funding	(10,500)	(10,500)	(12,500)	(+2,000)	(+2,000)
Total, Program level	9,018,270	8,396,793	8,701,207	-317,063	+304,414
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	---	---
Discretionary Funds	98,586	105,000	99,000	+414	-6,000
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION					
Foster Care	4,895,500	4,685,000	4,685,000	-210,500	---
Adoption Assistance	1,770,100	1,795,000	1,795,000	+24,900	---
Independent living	140,000	140,000	140,000	---	---
Total, Payments to States	6,805,600	6,620,000	6,620,000	-185,600	---
Less Advances from Prior Year	-1,767,700	-1,767,200	-1,767,200	+500	---
Total, payments, current year	5,037,900	4,852,800	4,852,800	-185,100	---
New Advance, 1st quarter	1,767,200	1,730,000	1,730,000	-37,200	---
Total, Administration for Children & Families	26,756,635	25,934,159	26,224,251	-532,384	+290,092
Current year	(22,389,435)	(21,615,359)	(21,894,251)	(-495,184)	(+278,892)
FY 2007	(4,367,200)	(4,318,800)	(4,330,000)	(-37,200)	(+11,200)
Evaluation Tap funding	(10,500)	(10,500)	(12,500)	(+2,000)	(+2,000)
Total, Administration for Children & Families	26,767,135	25,944,659	26,236,751	-530,384	+292,092
ADMINISTRATION ON AGING					
Grants to States:					
Supportive Services and Centers	354,136	354,136	354,136	---	---
Preventive Health	21,616	21,616	21,616	---	---
Protection of vulnerable older americans-Title VII	19,288	19,360	19,360	+72	---
Family Caregivers	155,744	155,744	155,744	---	---
Native American Caregivers Support	6,304	6,304	6,304	---	---
Subtotal, Caregivers	162,048	162,048	162,048	---	---
Nutrition:					
Congregate Meals	387,274	387,274	391,147	+3,873	+3,873
Home Delivered Meals	182,827	182,826	184,656	+1,829	+1,830
Nutrition Services Incentive Program	148,596	148,596	150,082	+1,486	+1,486
Subtotal, Nutrition	718,697	718,696	725,885	+7,188	+7,189
Subtotal, Grants to States	1,275,785	1,275,856	1,283,045	+7,260	+7,189

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Grants for Native Americans	26,398	26,398	26,398	---	---
Program Innovations	43,286	23,843	23,843	-19,443	---
Aging Network Support Activities	13,266	13,266	13,266	---	---
Alzheimer's Disease Demonstrations	11,786	11,786	11,786	---	---
White House Conference on Aging	4,520	---	---	-4,520	---
Program Administration	18,301	17,879	17,879	-422	---
Total, Administration on Aging	1,393,342	1,369,028	1,376,217	-17,125	+7,189
OFFICE OF THE SECRETARY					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal Funds	184,155	172,643	172,643	-11,512	---
Trust Funds	5,804	5,851	5,851	+47	---
Subtotal	189,959	178,494	178,494	-11,465	---
Adolescent Family Life (Title XX)	30,900	30,742	30,742	-158	---
Minority health	50,518	47,236	47,236	-3,282	---
Office of women's health	28,818	28,715	28,715	-103	---
Minority HIV/AIDS	52,415	52,415	52,415	---	---
Health care information technology	---	---	---	---	---
Afghanistan	5,952	5,952	5,952	---	---
Embryo adoption awareness campaign	992	992	992	---	---
IT Security and Innovation Fund	14,695	14,630	---	-14,695	-14,630
Evaluation tap funding (ASPE) (NA)	(39,552)	(39,552)	(39,552)	---	---
Total, General Departmental Management	374,249	359,176	344,546	-29,703	-14,630
Federal Funds	368,445	353,325	338,695	-29,750	-14,630
Trust Funds	5,804	5,851	5,851	+47	---
Evaluation tap funding	(39,552)	(39,552)	(39,552)	---	---
OFFICE OF MEDICARE HEARINGS AND APPEALS	57,536	80,000	60,000	+2,464	-20,000
OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY 6/	---	75,000	58,100	+58,100	-16,900
Evaluation tap funding	(16,943)	(2,750)	(16,900)	(-43)	(+14,150)
Total, Health Information Tech. program level	(16,943)	(77,750)	(75,000)	(+58,057)	(-2,750)
OFFICE OF THE INSPECTOR GENERAL:					
Federal Funds	39,930	39,813	39,813	-117	---
HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	---	---
Total, Inspector General program level	(199,930)	(199,813)	(199,813)	(-117)	---
OFFICE FOR CIVIL RIGHTS:					
Federal Funds	31,726	31,682	31,682	-44	---
Trust Funds	3,287	3,314	3,314	+27	---
Total, Office for Civil Rights	35,013	34,996	34,996	-17	---
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS					
Retirement payments	241,294	256,193	256,193	+14,899	---
Survivors benefits	14,750	15,600	15,600	+850	---
Dependents' medical care	74,592	56,759	56,759	-17,833	---
Total,Medical benefits for Commissioned Officers	330,636	328,552	328,552	-2,084	---
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND					
HRSA homeland security activities 1/	514,618	510,500	---	-514,618	-510,500
CDC homeland security activities 1/	1,622,757	1,616,723	---	-1,622,757	-1,616,723
NIH homeland security activities 1/	47,021	97,021	---	-47,021	-97,021
Office of the Secretary homeland sercurity activities	63,821	83,589	63,589	-232	-20,000
Other PHSSEF homeland security activities	109,198	120,000	120,000	+10,802	---
Supplemental (P.L. 108-234) (emergency)	50,000	---	---	-50,000	---
Total, PHSSEF	2,407,415	2,427,833	183,589	-2,223,826	-2,244,244

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Total, Office of the Secretary	3,244,779	3,345,370	1,049,596	-2,195,183	-2,295,774
Federal Funds	3,178,152	3,256,205	980,431	-2,197,721	-2,275,774
Trust Funds	66,627	89,165	69,165	+2,538	-20,000
Total, Title II, Dept of Health & Human Services	379,200,874	473,274,722	473,836,684	+94,635,810	+561,962
Federal Funds	376,469,336	469,928,079	470,587,235	+94,117,899	+659,156
Current year	(308,367,946)	(402,825,454)	(403,473,410)	(+95,105,464)	(+647,956)
FY 2007	(68,101,390)	(67,102,625)	(67,113,825)	(-987,565)	(+11,200)
Trust Funds	2,731,538	3,346,643	3,249,449	+517,911	-97,194

Title II Footnotes:
1/ Funds provided for biodefense activities are reflected within HRSA, CDC, and NIH respectively.
2/ Includes Mine Safety and Health.
3/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
4/ $1 billion available for fiscal years 2004-2005
5/ $250 million available for fiscal years 2005-2008
6/ An additional $50 million for Health IT within AHRQ

TITLE III - DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

Grants to Local Educational Agencies (LEAs)					
Basic Grants:					
Advance from prior year	(1,883,584)	(1,383,584)	(1,383,584)	(-500,000)	---
Forward funded	5,547,798	5,955,536	5,452,798	-95,000	-502,738
Current funded	3,472	3,472	3,472	---	---
Subtotal, Basic grants current year approp.	5,551,270	5,959,008	5,456,270	-95,000	-502,738
Subtotal, Basic grants total funds available	(7,434,854)	(7,342,592)	(6,839,854)	(-595,000)	(-502,738)
Basic Grants FY 2007 Advance	1,383,584	975,846	1,478,584	+95,000	+502,738
Subtotal, Basic grants, program level	6,934,854	6,934,854	6,934,854	---	---
Concentration Grants:					
Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	---	---
FY 2007 Advance	1,365,031	1,365,031	1,365,031	---	---
Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	---	---
Targeted Grants:					
Advance from prior year	(1,969,843)	(2,219,843)	(2,219,843)	(+250,000)	---
FY 2007 Advance	2,219,843	2,822,581	2,269,843	+50,000	-552,738
Subtotal, Targeted Grants program level	2,219,843	2,822,581	2,269,843	+50,000	-552,738
Education Finance Incentive Grants:					
Advance from prior year	(1,969,843)	(2,219,843)	(2,219,843)	(+250,000)	---
FY 2007 Advance	2,219,843	2,219,843	2,269,843	+50,000	+50,000
Subtotal, Education Finance Incentive Grants	2,219,843	2,219,843	2,269,843	+50,000	+50,000
Subtotal, Grants to LEAs, program level	12,739,571	13,342,309	12,839,571	+100,000	-502,738
Even Start	225,095	---	200,000	-25,095	+200,000
Reading First:					
State Grants (forward funded)	846,600	1,041,600	1,041,600	+195,000	---
Advance from prior year	(195,000)	(195,000)	(195,000)	---	---
FY 2007 Advance	195,000	---	---	-195,000	---
Subtotal, Reading First State Grants	1,041,600	1,041,600	1,041,600	---	---
Early Reading First	104,160	104,160	104,160	---	---
Striving readers	24,800	200,000	30,000	+5,200	-170,000

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Literacy through School Libraries	19,683	19,683	19,683	---	---
High School Intervention	---	1,240,000	---	---	-1,240,000
State Agency Programs:					
Migrant	390,428	390,428	390,428	---	---
Neglected and Delinquent/High Risk Youth	49,600	49,600	49,600	---	---
Subtotal, State Agency programs	440,028	440,028	440,028	---	---
Evaluation	9,424	9,424	9,424	---	---
Comprehensive School Reform Demonstration	205,344	---	10,000	-195,344	+10,000
Migrant Education:					
High School Equivalency Program	18,737	18,737	18,737	---	---
College Assistance Migrant Program	15,532	15,532	15,532	---	---
Subtotal, Migrant Education	34,269	34,269	34,269	---	---
Total, Education for the disadvantaged	14,843,974	16,431,473	14,728,735	-115,239	-1,702,738
Current Year	(7,460,673)	(9,048,172)	(7,345,434)	(-115,239)	(-1,702,738)
FY 2007	(7,383,301)	(7,383,301)	(7,383,301)	---	---
Subtotal, forward funded	(7,264,865)	(8,677,164)	(7,144,426)	(-120,439)	(-1,532,738)
IMPACT AID					
Basic Support Payments	1,075,018	1,075,018	1,102,896	+27,878	+27,878
Payments for Children with Disabilities	49,966	49,966	49,966	---	---
Facilities Maintenance (Sec. 8008)	7,838	7,838	5,000	-2,838	-2,838
Construction (Sec. 8007)	48,545	45,544	18,000	-30,545	-27,544
Payments for Federal Property (Sec. 8002)	62,496	62,496	65,000	+2,504	+2,504
Total, Impact aid	1,243,863	1,240,862	1,240,862	-3,001	---
SCHOOL IMPROVEMENT PROGRAMS					
State Grants for Improving Teacher Quality	1,481,605	1,481,605	1,481,605	---	---
Advance from prior year	(1,435,000)	(1,435,000)	(1,435,000)	---	---
FY 2007	1,435,000	1,435,000	1,435,000	---	---
Subtotal, State Grants for Improving Teacher Quality, program level	(2,916,605)	(2,916,605)	(2,916,605)	---	---
Early Childhood Educator Professional Development	14,695	14,696	14,696	+1	---
Mathematics and Science Partnerships	178,560	269,000	190,000	+11,440	-79,000
State Grants for Innovative Education (Education Block Grant)	198,400	100,000	198,400	---	+98,400
Educational Technology State Grants	496,000	---	300,000	-196,000	+300,000
Supplemental Education Grants	18,183	18,183	18,183	---	---
21st Century Community Learning Centers	991,077	991,077	991,077	---	---
State Assessments/Enhanced Assessment Instruments	411,680	411,680	411,680	---	---
High school assessments	---	250,000	---	---	-250,000
Javits gifted and talented education	11,022	---	---	-11,022	---
Foreign language assistance	17,856	---	---	-17,856	---
Education for Homeless Children and Youth	62,496	62,496	62,496	---	---
Training and Advisory Services (Civil Rights)	7,185	7,185	7,185	---	---
Education for Native Hawaiians	34,224	32,624	24,770	-9,454	-7,854
Alaska Native Education Equity	34,224	31,224	31,224	-3,000	---
Rural Education	170,624	170,624	170,624	---	---
Comprehensive Centers	56,825	56,825	56,825	---	---
Total, School improvement programs	5,619,656	5,332,219	5,393,765	-225,891	+61,546
Current Year	(4,184,656)	(3,897,219)	(3,958,765)	(-225,891)	(+61,546)
FY 2007	(1,435,000)	(1,435,000)	(1,435,000)	---	---
Subtotal, forward funded	(3,990,442)	(3,736,482)	(3,805,882)	(-184,560)	(+69,400)
INDIAN EDUCATION					
Grants to Local Educational Agencies	95,166	96,294	96,294	+1,128	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Federal Programs:					
Special Programs for Indian Children	19,595	19,595	19,595	---	---
National Activities	5,129	4,000	4,000	-1,129	---
Subtotal, Federal Programs	24,724	23,595	23,595	-1,129	---
Total, Indian Education	119,890	119,889	119,889	-1	---
INNOVATION AND IMPROVEMENT					
Troops-to-Teachers	14,793	14,793	14,793	---	---
Transition to Teaching	44,933	44,933	44,933	---	---
National Writing Project	20,336	---	20,336	---	+20,336
Teaching of Traditional American History	119,040	119,040	50,000	-69,040	-69,040
School Leadership	14,880	---	14,880	---	+14,880
Advanced Credentialing	16,864	8,000	16,864	---	+8,864
Charter Schools Grants	216,952	218,702	216,952	---	-1,750
Credit Enhancement for Charter School Facilities	36,981	36,981	36,981	---	---
Voluntary Public School Choice	26,543	26,543	26,543	---	---
Magnet Schools Assistance	107,771	107,771	107,771	---	---
Fund for the Improvement of Education (FIE):					
Current funded	414,079	156,296	27,000	-387,079	-129,296
Teacher Incentive Fund	---	500,000	100,000	+100,000	-400,000
Ready to Learn television	23,312	23,312	---	-23,312	-23,312
Dropout Prevention Programs	4,930	---	---	-4,930	---
Close Up Fellowships	1,469	---	1,469	---	+1,469
Advanced Placement	29,760	51,500	30,000	+240	-21,500
Total, Innovation and Improvement	1,092,643	1,307,871	708,522	-384,121	-599,349
SAFE SCHOOLS AND CITIZENSHIP EDUCATION					
Safe and Drug Free Schools and Communities:					
State Grants, forward funded	437,381	---	400,000	-37,381	+400,000
National Programs	152,537	267,967	152,537	---	-115,430
Alcohol Abuse Reduction	32,736	---	---	-32,736	---
Mentoring Programs	49,307	49,307	49,307	---	---
Character education	24,493	24,493	24,493	---	---
Elementary and Secondary School Counseling	34,720	---	34,720	---	+34,720
Carol M. White Physical Education Program	73,408	55,000	73,408	---	+18,408
Civic Education	29,405	---	29,405	---	+29,405
State Grants for Incarcerated Youth Offenders	26,784	---	---	-26,784	---
Total, Safe Schools and Citizenship Education	860,771	396,767	763,870	-96,901	+367,103
Current Year	(860,771)	(396,767)	(763,870)	(-96,901)	(+367,103)
FY 2007	---	---	---	---	---
Subtotal, forward funded	(464,165)	---	(400,000)	(-64,165)	(+400,000)
ENGLISH LANGUAGE ACQUISITION					
Current funded	84,816	---	---	-84,816	---
Forward funded	590,949	675,765	675,765	+84,816	---
Total, English Language Acquisition	675,765	675,765	675,765	---	---
SPECIAL EDUCATION					
State Grants:					
Grants to States Part B current year	5,176,746	4,893,746	5,326,746	+150,000	+433,000
Part B advance from prior year	(5,413,000)	(5,413,000)	(5,413,000)	---	---
Grants to States Part B (FY 2007)	5,413,000	6,204,000	5,413,000	---	-791,000
Subtotal, Grants to States, program level	10,589,746	11,097,746	10,739,746	+150,000	-358,000
Preschool Grants	384,597	384,597	384,597	---	---
Grants for Infants and Families	440,808	440,808	440,808	---	---
Subtotal, State grants, program level	11,415,151	11,923,151	11,565,151	+150,000	-358,000

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
IDEA National Activities (current funded):					
State Improvement	50,653	---	50,653	---	+50,653
Special Education-Voc Rehab transition initiative	---	5,000	---	---	-5,000
Technical Assistance and Dissemination	52,396	49,397	49,397	-2,999	---
Personnel Preparation	90,626	90,626	90,626	---	---
Parent Information Centers	25,964	25,964	25,964	---	---
Technology and Media Services	38,816	31,992	31,992	-6,824	---
Subtotal, IDEA special programs	258,455	202,979	248,632	-9,823	+45,653
Total, Special education	11,673,606	12,126,130	11,813,783	+140,177	-312,347
Current Year	(6,260,606)	(5,922,130)	(6,400,783)	(+140,177)	(+478,653)
FY 2007	(5,413,000)	(6,204,000)	(5,413,000)	---	(-791,000)
Subtotal, Forward funded	(6,052,804)	(5,719,151)	(6,202,804)	(+150,000)	(+483,653)
REHABILITATION SERVICES AND DISABILITY RESEARCH					
Vocational Rehabilitation State Grants	2,635,845	2,720,192	2,720,192	+84,347	---
Client Assistance State grants	11,901	11,901	11,901	---	---
Training	38,826	38,826	38,826	---	---
Demonstration and training programs	25,607	6,577	6,577	-19,030	---
Migrant and seasonal farmworkers	2,302	---	2,302	---	+2,302
Recreational programs	2,543	---	2,543	---	+2,543
Protection and advocacy of individual rights (PAIR)	16,656	16,656	16,656	---	---
Projects with industry	21,625	---	19,735	-1,890	+19,735
Supported employment State grants	37,379	---	30,000	-7,379	+30,000
Independent living:					
State grants	22,816	22,816	22,816	---	---
Centers	75,392	75,392	75,392	---	---
Services for older blind individuals	33,227	33,227	33,227	---	---
Subtotal, Independent living	131,435	131,435	131,435	---	---
Program Improvement	843	843	843	---	---
Evaluation	1,488	1,488	1,488	---	---
Helen Keller National Center for Deaf/Blind Youth and Adults	10,581	8,597	8,597	-1,984	---
National Inst. Disability and Rehab. Research (NIDRR)	107,783	107,783	107,783	---	---
Assistive Technology	29,760	15,000	29,760	---	+14,760
Subtotal, discretionary programs	438,729	339,106	408,446	-30,283	+69,340
Total, Rehabilitation services	3,074,574	3,059,298	3,128,638	+54,064	+69,340
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES					
AMERICAN PRINTING HOUSE FOR THE BLIND	16,864	16,864	17,000	+136	+136
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):					
Operations	53,672	53,672	55,337	+1,665	+1,665
Construction	1,672	800	800	-872	---
Total, NTID	55,344	54,472	56,137	+793	+1,665
GALLAUDET UNIVERSITY	104,557	104,557	107,657	+3,100	+3,100
Total, Special Institutions for Persons with Disabilities	176,765	175,893	180,794	+4,029	+4,901
VOCATIONAL AND ADULT EDUCATION					
Vocational Education:					
Basic State Grants/Secondary & Technical Education					
State Grants, current funded	403,331	---	403,331	---	+403,331
Advance from prior year	(791,000)	(791,000)	(791,000)	---	---
FY 2007	791,000	---	791,000	---	+791,000
Subtotal, Basic State Grants, program level	1,194,331	---	1,194,331	---	+1,194,331

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Tech-Prep Education State Grants	105,812	---	105,812	---	+105,812
National Programs	11,757	---	11,757	---	+11,757
Tech-Prep Education Demonstration	4,899	---	---	-4,899	---
Occupational and Employment Information Program	9,307	---	---	-9,307	---
Subtotal, Vocational Education	1,326,106	---	1,311,900	-14,206	+1,311,900
Adult Education:					
State Grants/Adult basic and literacy education:					
State Grants, current funded	569,672	200,000	569,672	---	+369,672
National Programs:					
National Leadership Activities	9,096	9,096	9,096	---	---
National Institute for Literacy	6,638	6,638	6,638	---	---
Subtotal, National programs	15,734	15,734	15,734	---	---
Subtotal, Adult education	585,406	215,734	585,406	---	+369,672
Smaller Learning Communities, current funded	4,724	---	4,724	---	+4,724
Smaller Learning Communities, forward funded	89,752	---	89,752	---	+89,752
Community Technology Centers	4,960	---	---	-4,960	---
Total, Vocational and adult education	2,010,948	215,734	1,991,782	-19,166	+1,776,048
Current Year	(1,219,948)	(215,734)	(1,200,782)	(-19,166)	(+985,048)
FY 2007	(791,000)	---	(791,000)	---	(+791,000)
Subtotal, forward funded	(1,210,264)	(215,734)	(1,196,058)	(-14,206)	(+980,324)
STUDENT FINANCIAL ASSISTANCE					
Pell Grants -- maximum grant (NA)	(4,050)	(4,150)	(4,100)	(+50)	(-50)
Pell Grants:					
Regular Program	12,364,997	13,199,000	13,383,000	+1,018,003	+184,000
Enhanced Pell grants for State scholars	---	33,000	---	---	-33,000
Federal Supplemental Educational Opportunity Grants	778,720	778,720	778,720	---	---
Federal Work Study	990,257	990,257	990,257	---	---
Federal Perkins Loans:					
Loan Cancellations	66,132	---	66,132	---	+66,132
Presidential math and science scholars	---	50,000	---	---	-50,000
LEAP program	65,643	---	65,643	---	+65,643
Subtotal, discretionary programs	14,265,749	15,050,977	15,283,752	+1,018,003	+232,775
Total, Student Financial Assistance	14,265,749	15,050,977	15,283,752	+1,018,003	+232,775
STUDENT AID ADMINISTRATION					
Administrative Costs	119,084	939,285	124,084	+5,000	-815,201
Fed Direct Student Loan Reclassification (Leg prop)	---	-625,000	---	---	+625,000
LOANS FOR SHORT-TERM TRAINING	---	11,000	---	---	-11,000
HIGHER EDUCATION					
Aid for Institutional Development:					
Strengthening Institutions	80,338	80,338	80,338	---	---
Hispanic Serving Institutions	95,106	95,873	95,873	+767	---
Strengthening Historically Black Colleges (HBCUs)	238,576	240,500	240,500	+1,924	---
Strengthening historically black graduate insts	58,032	58,500	58,500	+468	---
Strengthening Alaska Native and Native Hawaiian-Serving Institutions	11,904	6,500	6,500	-5,404	---
Strengthening Tribal Colleges	23,808	23,808	23,808	---	---
Subtotal, Aid for Institutional development	507,764	505,519	505,519	-2,245	---
International Education and Foreign Language:					
Domestic Programs	92,465	92,466	92,466	+1	---
Overseas Programs	12,737	12,737	12,737	---	---
Institute for International Public Policy	1,616	1,616	1,616	---	---
Subtotal, International Education & Foreign Lang	106,818	106,819	106,819	+1	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Fund for the Improvement of Postsec. Ed. (FIPSE)	162,108	22,211	49,211	-112,897	+27,000
Minority Science and Engineering Improvement	8,818	8,818	8,818	---	---
Interest Subsidy Grants	1,488	---	---	-1,488	---
Tribally Controlled Postsec Voc/Tech Institutions	7,440	7,440	7,440	---	---
Federal TRIO Programs	836,543	369,390	836,543	---	+467,153
GEAR UP	306,488	---	306,488	---	+306,488
Byrd Honors Scholarships	40,672	---	---	-40,672	---
Javits Fellowships	9,797	9,797	9,797	---	---
Graduate Assistance in Areas of National Need	30,371	30,371	30,371	---	---
Teacher Quality Enhancement Grants	68,337	---	58,000	-10,337	+58,000
Child Care Access Means Parents in School	15,970	15,970	15,970	---	---
Community college access	---	125,000	---	---	-125,000
Demonstration in Disabilities / Higher Education	6,944	---	---	-6,944	---
Underground Railroad Program	2,204	---	---	-2,204	---
GPRA data/HEA program evaluation	980	980	980	---	---
B.J. Stupak Olympic Scholarships	980	---	980	---	+980
Thurgood Marshall legal education opportunity program	2,976	---	---	-2,976	---
Total, Higher education	2,116,698	1,202,315	1,936,936	-179,762	+734,621
HOWARD UNIVERSITY					
Academic Program	205,507	205,506	207,507	+2,000	+2,001
Endowment Program	3,524	3,524	3,524	---	---
Howard University Hospital	29,759	29,759	29,759	---	---
Total, Howard University	238,790	238,789	240,790	+2,000	+2,001
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM: (CHAFL)	573	573	573	---	---
HBCU CAPITAL FINANCING PROGRAM -- Federal Adm	210	210	210	---	---
INSTITUTE OF EDUCATION SCIENCES					
Research, development and dissemination	164,194	164,194	164,194	---	---
Statistics	90,931	90,931	90,931	---	---
Regional Educational Laboratories	66,132	---	66,132	---	+66,132
Research in special education	83,104	72,566	72,566	-10,538	---
Special education studies and evaluations	---	10,000	10,000	+10,000	---
Statewide data systems	24,800	24,800	24,800	---	---
Assessment:					
National Assessment	88,985	111,485	88,985	---	-22,500
National Assessment Governing Board	5,088	5,088	5,088	---	---
Subtotal, Assessment	94,073	116,573	94,073	---	-22,500
Total, IES	523,234	479,064	522,696	-538	+43,632
DEPARTMENTAL MANAGEMENT					
PROGRAM ADMINISTRATION	419,280	418,992	418,992	-288	---
OFFICE FOR CIVIL RIGHTS	89,375	91,526	91,526	+2,151	---
OFFICE OF THE INSPECTOR GENERAL	47,327	49,408	49,000	+1,673	-408
Total, Departmental management	555,982	559,926	559,518	+3,536	-408
Total: Elementary and Secondary Education Act programs	24,555,998	25,504,846	23,725,884	-830,114	-1,778,962
TITLE III GENERAL PROVISIONS					
Pell grant shortfall payoff 1/	---	---	4,300,000	+4,300,000	+4,300,000
Total, Title III, Department of Education	59,212,775	58,939,040	63,714,964	+4,502,189	+4,775,924
Current Year	(44,190,474)	(43,916,739)	(48,692,663)	(+4,502,189)	(+4,775,924)
FY 2007	(15,022,301)	(15,022,301)	(15,022,301)	---	---

1/ Part of the HEA reauthorization budget request.

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
TITLE IV - RELATED AGENCIES					
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED	4,669	4,669	4,669	---	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE					
DOMESTIC VOLUNTEER SERVICE PROGRAMS					
Volunteers in Service to America (VISTA)	94,240	96,428	96,428	+2,188	---
Volunteers in Homeland Security	4,960	---	---	-4,960	---
Teach for America	---	4,000	2,000	+2,000	-2,000
National Senior Volunteer Corps:					
Foster Grandparents Program	111,424	112,058	112,058	+634	---
Senior Companion Program	45,905	47,438	47,438	+1,533	---
Retired Senior Volunteer Program	58,528	60,288	60,288	+1,760	---
Subtotal, Senior Volunteers	215,857	219,784	219,784	+3,927	---
Program Administration	38,688	39,750	39,750	+1,062	---
Total, Domestic Volunteer Service Programs	353,745	359,962	357,962	+4,217	-2,000
National and Community Service Programs: 1/					
National service trust	142,848	146,000	146,000	+3,152	---
AmeriCorps grants	287,680	275,000	270,000	-17,680	-5,000
Innovation, assistance, and other activities	13,227	9,945	9,945	-3,282	---
Evaluation	3,522	4,000	4,000	+478	---
National Civilian Community Corps	25,296	25,500	25,500	+204	---
Learn and Serve America: K-12 and Higher Ed	42,656	40,000	40,000	-2,656	---
State Commission Administrative Grants	11,904	12,642	12,642	+738	---
Points of Light Foundation	9,920	10,000	10,000	+80	---
America's Promise	4,464	5,000	5,000	+536	---
Subtotal, National & Community Service Programs	541,517	528,087	523,087	-18,430	-5,000
National and Community Service, Salaries & expenses 1/	25,792	27,000	27,000	+1,208	---
Office of Inspector General 1/	5,952	6,000	6,000	+48	---
Total, Corp. for National and Community Service	927,006	921,049	914,049	-12,957	-7,000
CORPORATION FOR PUBLIC BROADCASTING:					
FY 2008 (current) with FY 2007 comparable	400,000	---	400,000	---	+400,000
FY 2007 advance with FY 2006 comparable (NA)	(400,000)	(400,000)	(400,000)	---	---
FY 2006 advance with FY 2005 comparable (NA)	(386,880)	(400,000)	(400,000)	(+13,120)	---
Rescission of FY 2006 funds (NA)	---	(-10,000)	(-100,000)	(-100,000)	(-90,000)
Subtotal, FY 2006 program level	386,880	390,000	300,000	-86,880	-90,000
Digitalization program, current funded 2/	39,387	---	---	-39,387	---
Previous appropriated funds (NA) 3/	---	(30,000)	(30,000)	(+30,000)	---
Interconnection, current funded 2/	39,680	---	---	-39,680	---
Previous appropriated funds (NA) 3/	(75,000)	(52,000)	(52,000)	(-23,000)	---
Subtotal, FY 2006 appropriation	79,067	---	---	-79,067	---
Subtotal, FY 2006 comparable	(154,067)	(82,000)	(82,000)	(-72,067)	---
FEDERAL MEDIATION AND CONCILIATION SERVICE	44,439	42,331	42,331	-2,108	---
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,809	7,809	7,809	---	---
INSTITUTE OF MUSEUM AND LIBRARY SERVICES	280,564	262,240	249,640	-30,924	-12,600
MEDICARE PAYMENT ADVISORY COMMISSION	9,899	10,168	10,168	+269	---
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	993	993	993	---	---
NATIONAL COUNCIL ON DISABILITY	3,344	2,800	2,800	-544	---
NATIONAL LABOR RELATIONS BOARD	249,860	252,268	252,268	+2,408	---
NATIONAL MEDIATION BOARD	11,628	11,628	11,628	---	---
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	10,510	10,510	10,510	---	---

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
RAILROAD RETIREMENT BOARD					
Dual Benefits Payments Account	107,136	97,000	97,000	-10,136	---
Less Income Tax Receipts on Dual Benefits	-7,936	-7,000	-7,000	+936	---
Subtotal, Dual Benefits	99,200	90,000	90,000	-9,200	---
Federal Payment to the RR Retirement Account	150	150	150	---	---
Limitation on Administration	102,543	102,543	102,543	---	---
Inspector General	7,196	7,196	7,196	---	---
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds	20,454	20,470	20,470	+16	---
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	38,109,000	37,487,174	37,487,174	-621,826	---
Beneficiary services	45,929	52,000	52,000	+6,071	---
Research and demonstration	35,000	27,000	27,000	-8,000	---
Administration	2,986,900	2,897,000	2,897,000	-89,900	---
Subtotal, SSI program level	41,176,829	40,463,174	40,463,174	-713,655	---
Less funds advanced in prior year	-12,590,000	-10,930,000	-10,930,000	+1,660,000	---
Subtotal, regular SSI current year	28,586,829	29,533,174	29,533,174	+946,345	---
Total, SSI, current request	28,586,829	29,533,174	29,533,174	+946,345	---
New advance, 1st quarter, FY 2007	10,930,000	11,110,000	11,110,000	+180,000	---
Total, SSI program	39,516,829	40,643,174	40,643,174	+1,126,345	---
LIMITATION ON ADMINISTRATIVE EXPENSES					
OASDI Trust Funds	4,359,033	4,665,400	4,617,600	+258,567	-47,800
HI/SMI Trust Funds	1,256,968	1,704,000	1,643,100	+386,132	-60,900
Social Security Advisory Board	2,000	2,000	2,000	---	---
SSI	2,986,900	2,897,000	2,897,000	-89,900	---
Subtotal, regular LAE	8,604,901	9,268,400	9,159,700	+554,799	-108,700
SSI User Fee activities	124,000	119,000	119,000	-5,000	---
SSPA User Fee Activities	1,000	1,000	1,000	---	---
Total, Limitation on Administrative Expenses	8,729,901	9,388,400	9,279,700	+549,799	-108,700
MEDICARE REFORM FUNDING					
Medicare reform funding 4/ 5/	(446,054)	---	---	(-446,054)	---
OFFICE OF INSPECTOR GENERAL					
Federal Funds	25,542	26,000	26,000	+458	---
Trust Funds	64,836	67,000	66,805	+1,969	-195
Total, Office of Inspector General	90,378	93,000	92,805	+2,427	-195
Adjustment: Trust fund transfers from general revenues	-2,986,900	-2,897,000	-2,897,000	+89,900	---
Total, Social Security Administration	45,370,662	47,248,044	47,139,149	+1,768,487	-108,895
Federal funds	39,687,825	40,809,644	40,809,644	+1,121,819	---
Current year	(28,757,825)	(29,699,644)	(29,699,644)	(+941,819)	---
New advances, 1st quarter	(10,930,000)	(11,110,000)	(11,110,000)	(+180,000)	---
Trust funds	5,682,837	6,438,400	6,329,505	+646,668	-108,895
Total, Title IV, Related Agencies	47,609,539	48,974,398	49,245,903	+1,636,364	+271,505
Federal Funds	41,807,064	42,416,091	42,796,491	+989,427	+380,400

LABOR-HEALTH AND HUMAN SERVICES-EDUCATION-RELATED AGENCIES--FY 2006 (H.R. 3010)
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	Bill	Bill vs. Comparable	Bill vs. Request
Current Year	(30,477,064)	(31,306,091)	(31,286,491)	(+809,427)	(-19,600)
FY 2007 Advance	(10,930,000)	(11,110,000)	(11,110,000)	(+180,000)	---
FY 2008 Advance	(400,000)	---	(400,000)	---	(+400,000)
Trust Funds	5,802,475	6,558,307	6,449,412	+646,937	-108,895

Title IV Footnotes:
1/ FY 2006 House jurisdiction change--account moved from former VA-HUD Appropriations.
2/ Current funded
3/ Requested funds for these activities are from previously appropriated funds
4/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
5/ Available in fiscal years 2004 and 2005

SUMMARY

Federal Funds	488,978,653	582,299,660	588,191,637	+99,212,984	+5,891,977
Current year	(391,980,962)	(486,552,734)	(492,008,511)	(+100,027,549)	(+5,455,777)
2007 advance	(96,597,691)	(95,746,926)	(95,783,126)	(-814,565)	(+36,200)
2008 advance	(400,000)	---	(400,000)	---	(+400,000)
Trust Funds	12,366,339	13,612,965	13,406,876	+1,040,537	-206,089
Grand Total	501,344,992	595,912,625	601,598,513	+100,253,521	+5,685,888

RECAP

Mandatory, total in bill	357,872,275	454,393,513	458,613,513	+100,741,238	+4,220,000
Less advances for subsequent years	-77,712,390	-76,897,825	-76,897,825	+814,565	---
Plus advances provided in prior years	74,061,975	77,712,390	77,712,390	+3,650,415	---
Total, mandatory, current year	354,221,860	455,208,078	459,428,078	+105,206,218	+4,220,000
Discretionary, total in bill	143,472,717	141,519,112	142,985,000	-487,717	+1,465,888
Less advances for subsequent years	-19,285,301	-18,849,101	-19,285,301	---	-436,200
Plus advances provided in prior years	19,241,277	19,285,301	19,285,301	+44,024	---
Subtotal, Discretionary, current year	143,428,693	141,955,312	142,985,000	-443,693	+1,029,688
Scorekeeping adjustments:					
SSI User Fee Collection	-124,000	-119,000	-119,000	+5,000	---
Vaccines for children legislative proposal	---	-100,000	---	---	+100,000
Smallpox vaccine injury compensation (rescission)	-20,000	---	---	+20,000	---
Medical facilities guarantee and loan fund (rescission)	-66,000	---	---	+66,000	---
Health professions student loan (rescission)	-19,000	---	-15,912	+3,088	-15,912
MMA Health Care infrastructure improvement program (P.L. 109-13) (rescission)	-58,000	---	---	+58,000	---
Title V Chapter III (P.L. 109-13) (rescission)	-10,000	---	---	+10,000	---
H-1B (rescission)	-100,000	---	---	+100,000	---
Job Corps construction FY06 advance (rescission)	---	-25,000	---	---	+25,000
National Emergency Grant (healthcare premium) (rescission)	---	-20,000	-20,000	-20,000	---
Workers compensation (NY 9-11) (rescission)	---	-5,000	-5,000	-5,000	---
Workers compensation (9-11) (rescission)	---	-120,000	-120,000	-120,000	---
Community College initiative (rescission)	---	---	-125,000	-125,000	-125,000
75 percent rule scoring	9,000	---	---	-9,000	---
Medicare eligible accruals (permanent,indefinite)	---	33,912	33,912	+33,912	---
CPB (FY 2006 Rescission)	---	-10,000	-100,000	-100,000	-90,000
Less emergency appropriations	-362,600	---	---	+362,600	---
Total, discretionary	142,678,093	141,590,224	142,514,000	-164,093	+923,776
Adjustment to balance with 2005 enacted	-1,038	---	---	+1,038	---
Total, discretionary (FY 2005 enacted)	142,677,055	141,590,224	142,514,000	-163,055	+923,776
Grand total, current year (incl FY 2005 comparable)	496,899,953	596,798,302	601,942,078	+105,042,125	+5,143,776
Grand total, current year (incl FY 2005 enacted)	496,898,915	596,798,302	601,942,078	+105,043,163	+5,143,776

□ 1230

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

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

Mr. Chairman, this bill is the clearest demonstration that I can think of of what happens when Congress puts $140,000 tax cuts for people who make $1 million a year or more ahead of our investment needs in our children, ahead of our investment needs in our health care system, and ahead of supporting programs that will help our workers compete in world markets. This bill, make no mistake about it, is a prescription for a second-class economy.

I know most of the discussion today will be focused on public broadcasting. I will be offering an amendment to add back $100 million that the committee cut out. Previously in the committee, I offered another amendment which added $400 million for this year's funding. We are simply trying to get it back up to last year's level. That is an important issue, and I hope that the House will vote for the amendment.

I want to make clear that even though the press has focused 90 percent of its attention on public broadcasting, in one sense that is fortunate because at least the people who pay attention to public broadcasting do have a megaphone of sorts, and they can get their message known. I believe our amendment today will pass, but even if it does, I would hope that the Members of this House and the members of the press would understand that that is far from the most important issue in this bill.

The most important thing about this bill is what it does to hurt the future of our children, what it does to avoid meeting the needs of people in this society who are sick and without health insurance, what it does to help our workers in the world economy.

The distinguished majority leader in discussing the budget resolution earlier this year said this: ''This is the budget the American people voted for when they elected a Republican House, a Republican Senate and a Republican White House.'' I quite agree, and this bill is also, unfortunately, the kind of bill that the American people are going to get because they voted for a Republican House, a Republican Senate, and a Republican White House.

Last year, the programs in this bill were $3.5 billion above the previous year. This year, this bill in a program-to-program basis cuts $1.6 billion from these programs.

Now, what does that mean? It means, for instance, that this bill even cuts into the President's signature programs in training, in health care and education. It cuts back substantially the President's recommendation for community college skills, for community health centers and high school reform. Let us take a look at what it does in other key areas of our economy.

For our workers, the administration is about to bring forth CAFTA, yet another misguided, misbegotten trade agreement. The administration is breaking arms and promising the Moon in order to get people to vote for that amendment; and yet this bill cuts the program that is supposed to be the traffic cop that protects American workers against having to compete against child and slave labor. It cuts that program by 87 percent. I do not think that the American people would agree with that.

This bill disinvests in job training and help for the unemployed. This bill for adult training grants is the lowest funding level in 10 years. It even cuts the Job Corps below current services level. And if you take a look at the health care area, of the 11 programs that we had on the books to help us develop the kind of health profession that we need, so that you have enough in rural areas and enough in your major metropolitan areas, this bill cuts 10 of those 11 programs. Only one is remaining, and 84 percent of that portion of the budget is gone. It also eliminates a community access program that is a key program that helps deliver health care services to the uninsured.

National Institutes of Health. There is not a politician in this House who does not go home and tell your constituents what you are doing on cancer research or Alzheimer's or Parkinson's. And what does this bill do? It means the National Institutes of Health are going to have 500 fewer grants to put out to scientists around the country than they had 2 years ago. We are backing off on the attack on disease.

Low Income Home Energy Assistance program. That is a program that helps low-income people and seniors avoid having to choose between heating their houses and feeding themselves. The program is cut by $200 million.

Education. Effectively, this is the first freeze on education funding in a decade. This bill cuts No Child Left Behind programs by $800 million. You have the mother of all mandates, telling the States and school districts what they must do here, what they must do there. That costs money. But the Federal Government is welshing on its responsibility and on its promise to help pay those costs. It is backing off.

On IDEA, the program that helps local units, or local school districts, pay for educating disabled kids. What does this bill do for that? Well, the Republican majority promised a few years ago that the Feds would pay 40 percent of the cost of that program. Today, this bill actually cuts the share of Federal participation from 18.6 to 18.2 percent of that program, welshing on another promise.

It freezes after-school centers for the fourth year in a row. It slashes education technology at a time when that has never been more important. It eliminates comprehensive school grants for 1,000 high-poverty school districts by eliminating the program. It freezes Impact Aid.

On Pell grants, the main program we use to help kids go to college, what does it do? On Pell grants, we are told by the College Board that the cost of a 4-year public university has increased $2,300 during the last 4 years. What is our response to it? The President says, well, we will fix the problem with a hundred bucks add-on to Pell grant. That takes care of 4 percent of the problem. This bill cuts that to 2 percent. It provides a measly $50 increase in the Pell grant program, and that does not address the fact that because the IRS has changed the eligibility tables there are going to be thousands and thousands of kids who are tossed off the program entirely. In fact, it is going to raise costs in my State by about $187 per student.

So what I would say is that this is the main legislation we will deal with this year that deals with the economic and social problems of the country. The main issue in this country the next 40 years is going to be how we gear ourselves up to economically compete with countries like China and India. We need to invest in all of the technology, all of the education that we can possibly invest in. This bill walks away from that obligation, and that is why I say it is a prescription for a second-rate economy. It walks away from our obligation to workers, and we will long regret it if we pass this bill.

I would urge a ''no'' vote on the bill. The problems with this bill have nothing to do with the gentleman from Ohio (Mr. REGULA). He is a fine man and a fine chairman, but this bill implements the Republican budget resolution in the broadest possible areas in our economy and our country. It is a major social and economic mistake, and it certainly does not represent my values, and I do not believe it represents the values of the American people.

Madam Chairman, I reserve the balance of my time.

Mr. REGULA. Madam Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. ISTOOK), a very fine member of our subcommittee.

Mr. ISTOOK. Madam Chairman, I want to congratulate the gentleman from Ohio (Chairman REGULA) for producing a solid bill under very challenging circumstances; but rather than talking about the entirety of the bill, I want to address myself to one particular process.

During the amendment process, there will be an amendment offered to add more funding to public broadcasting. I will oppose that amendment.

We should recognize two things: first, Big Bird and his friends can fly on their own; and, second, Americans have access to a wide variety and multitude of educational, cultural, and children's programming that are provided by a vast variety of diverse networks that we have today.

Public broadcasting has developed a major base of private donors, corporate donors and licensing fees and royalties

from programs. Because of this, Federal funding is only 15 percent, $1 in $7, of the budget for public broadcasting; and this bill only reduces a fraction of that 15 percent, about a 4 percent overall reduction for public broadcasting's budget. This will not jeopardize any program or any station, because they have ample resources already on hand to make up that difference.

Public broadcasters have accumulated major financial resources, hundreds of millions of dollars that they have invested in stocks, bonds and other securities, in addition to owning their broadcast facilities. In other words, Big Bird and his friends can fly on their own. But there is another factor.

Public broadcasting is not the only place to find education, cultural, historical documentaries and children's programs. We have achieved variety and diversity, thanks to networks that do not ask for Federal money. C–SPAN carries the proceedings of Congress to the world without a Federal subsidy. We have the Discovery Channel, the History Channel, Nickelodeon, the Arts and Entertainment Network, Lifetime TV, Family Channel, Food Network, Science Channel, and so forth.

We do not need a nationwide subsidy either to reach a few targeted households. I heard somebody say, well, we need public broadcasting to provide TV for the poor. Let us understand what we call poverty in the U.S.A. is not like poverty in Bangladesh, the Sudan, Haiti or anyplace else. In the United States, not only does almost every poor household have a TV, but two-thirds of them have cable television with full access to a vast diversity of programs.

It is getting harder and harder to distinguish public TV from the rest of broadcasting because other broadcasters, a great many, carry the same type of programs today, and each year public broadcasting looks more and more like other networks.

Public radio has even moved away from classical music and more toward talk radio that is common to the profit sector. Much of public TV has the same movies and old TV shows that we see on other networks, even as those other networks are adding more documentaries and more special programs.

Madam Chairman, as the gentleman from Ohio (Chairman REGULA) has said, we have higher priorities than subsidizing one segment of America's broadcasters. The gentleman from Ohio (Chairman REGULA) has made tough decisions about those priorities, and we should support his decisions.

Mr. OBEY. Madam Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

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

Mr. HOYER. Madam Chairman, I thank the distinguished ranking member and congratulate him on the extraordinary job he does as the ranking member not only on this subcommittee but on all the subcommittees.

Let me begin with a traditional disclaimer, and that disclaimer is I do not hold the gentleman from Ohio (Mr. REGULA) personally responsible for this product. He has done the best he could with the resources that were given to him, and I congratulate him and thank him for that.

□ 1245

Nor do I hold the gentleman from California (Mr. LEWIS) responsible, but I do hold responsible the policies that have been adopted by the Committee on Ways and Means, by the Committee on the Budget, and by this House.

Madam Chairman, just 3 months ago the Republican majority leader, the gentleman from Texas (Mr. DELAY) stood on this House floor and with great passion stated, ''The one major responsibility of a government is to protect the innocent, vulnerable people.'' On that very same day in March, the President of the United States stated, ''The essence of civilization is that the strong have a duty to protect the weak.''

I served under Bill Natcher from Kentucky who chaired this committee for many years. He used to say as long as we take care of the education of our children and the health of our people, we will continue to live in the strongest and greatest Nation on the face of this earth. But now the political party that exploits every opportunity to talk about the culture of life, virtually ignores and dismisses what I call the culture of the living: the innocent, the vulnerable, the weak, who are living, breathing, members of the American family.

Today, this bill demonstrates in concrete terms how the Republican Party's misguided, irresponsible tax and budget policies have harmful consequences for so many living Americans.

Just yesterday President Bush visited my congressional district in Maryland. He stated, ''I know some workers are concerned about jobs going overseas.'' Yet this bill cuts job training for unemployed by $346 million. This bill cuts the President's community college skills training initiative in half. This bill cuts the International Labor Affairs Bureau by 87 percent which helps enforce child and slave labor abroad.

Mr. President, you are not meeting the concerns. He went on to say, ''I know some are concerned about gaining the skills necessary to compete in the global market that we live in.'' Yet this bill cuts No Child Left Behind by $806 million. This is $13.2 billion short of authorization and $40 billion short of what the President said we were going to fund when he signed the bill.

This bill provides only a $50 increase in Pell grants, notwithstanding hundreds of dollars of increases in college costs. This bill cuts education technology by 40 percent. This bill cuts the Community Services Block Grant in half. This bill cuts the administration's proposal for title I by $603 million.

Mr. President, you know the American people are concerned, but you have not responded. He went on to say this: ''I know that families are worried about health care and retirement. And I know moms and dads are worried about their children finding good jobs.''

Yet, Madam Chairman, this bill eliminates 10 out of the 12 title VII health profession training programs. These programs help alleviate the shortage of doctors and dentists in underserved areas to meet that concern that he recognizes the American people have.

This bill eliminates the Health Communities Access Program which helps health centers and public hospitals better serve the uninsured. This bill cuts the Maternal and Child Health Block Grant program by $24 million. This bill freezes after-school centers for the fourth year in a row. This bill provides only a half a percent increase, far less than inflation, which means they will do less for the National Institutes of Health which researches the afflictions which confront Americans, like heart disease, cancer, and diabetes.

Madam Chairman, I have the utmost respect for those who speak about the culture of life. But we must ask, what about the culture of the living? What about the people who are served by this bill, who need this bill, whose quality of life is critically affected by this bill? This bill is perhaps the most important piece of domestic legislation that this Congress considers every year. It is a statement of national and moral principle. But today it is nothing more than Exhibit A for the Republican Party's culture of fiscal irresponsibility.

Mr. REGULA. Madam Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Madam Chairman, I thank the gentlewoman for yielding me this time.

Madam Chairman, I rise to congratulate the gentleman from Ohio (Mr. REGULA) and the subcommittee for doing a remarkable job in funding our Nation's education, health and workforce priorities in a time of intense fiscal restraint.

This legislation includes in education: increased funding for special funding, for No Child Left Behind, and for Head Start. It has a tremendous increase in the Pell grant area which will help our young people go to college, get the education they need to succeed and contribute. It holds firm on TRIO and GEAR UP, so important to kids who are the first in their family to go to college. So in education, while it does not do everything, it does some important things for our children, and I thank the gentleman. I hope in conference we will find a little more additional money for title I, but this is a good start.

In health, it also has some very important accomplishments. By increasing Community Health Center funding, it decidedly reaches out to additional uninsured people. It provides the support vitally needed for the important initiative to implant information technology in our health care sector, which is our best hope of both improving quality and reducing long-term costs, and it provides the money needed for the government to educate our seniors about the important, generous prescription drug program that will go into effect January 1. I thank the gentleman for those very important education dollars.

There are, of course, as always, areas of concern. I hope that in conference there will be more money for the Community Services Block Grant because that is the critical, flexible money that cities, particularly, use to fill the holes in the safety net programs, to provide day-care for women returning to work, and so on.

In HCAP, I hope we will restore the funding and thoughtfully review some of the other problems in the bill. But this is a fine job done, and I commend the gentleman from Ohio (Mr. REGULA).

Mr. OBEY. Madam Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Chairman, I want to express my appreciation as well to the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for their hard work in crafting this legislation. I know they did the best they could with the allocation, and this bill does include many of our most important priorities, from education funding and worker training, to biomedical research and public health activities, and impacts the lives of virtually every American.

I am pleased that the bill makes significant investments in preparing for and responding to a potential pandemic influenza outbreak, and restores funding to the TRIO and GEAR UP programs, and partial funding to the Preventive Health Block Grant.

However, because of this limited budget allocation, many important needs will remain underfunded. For example, the bill provides the smallest increase for the National Institutes of Health in 36 years, squandering the momentum we built up in the 5 years completed in 2003. And despite an average 26 percent tuition increase in the last 2 years, the bill fails to adequately increase the maximum Pell grant award, and does nothing to stop the new financial aid formula that severely impacts the ability of low- and middle-income students to attend college. These changes will affect more than 1.3 million students nationwide, including 4,600 students in Westchester, New York.

The bill provides the smallest increase for elementary and secondary education in a decade, allows Congress to continue to renege on its promise to fully fund special education, IDEA.

The bill cuts the Corporation for Public Broadcasting base account by $100 million, and I urge my colleagues to support an amendment that I will be offering with the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Iowa (Mr. LEACH) to restore funding to CPB.

Madam Chairman, I also want to express my continued concern with the Weldon refusal clause provision included in the bill. For over 30 years there have been Federal laws which allow doctors, hospitals, and nurses to refuse to provide abortion services because of their religious beliefs. However, this provision extends that protection to HMOs and insurance companies. And just as the law protects religious and moral objections to performing medical services, it protects patients' access to accurate and complete medical information when making decisions about their health. The Weldon provision would unravel these protections. I want to make it very clear that States that attempt to protect access to these health services can be denied all of their Federal health, education, and labor funding. I will work to remove this provision from the final bill.

Madam Chairman, this legislation has significant flaws. However, I hope that as it moves through the process, we can work together to make necessary improvements to the final measure. I will vote ''no'' today.

Madam Chairman, I want to express my appreciation to Chairman REGULA and Ranking Member OBEY for their hard work in crafting this legislation.

This bill includes many of our most important priorities—from education funding and worker training to biomedical research and public health activities. The programs and policies in this legislation impact the lives of virtually every American.

I am pleased that the bill makes significant investments in preparing for and responding to a potential pandemic influenza outbreak and restores funding to the TRIO and GEAR UP programs and partial funding to the Preventive Health Block Grant.

However, because of the limited budget allocation many important needs will remain under-funded. For example,

This bill provides the smallest increase for the National Institutes of Health in 36 years, squandering the momentum we've built up over the last five years.

Despite an average 26 percent tuition increase in the last two years, the bill fails to adequately increase the maximum Pell grant award and does nothing to stop the new financial aid formula that severely impacts the ability of low-and-middle-income students to attend college. These changes will affect more than 1.3 million students nationwide, including 4,600 students in Westchester County, New York.

The bill provides the smallest increase for elementary and secondary education in a decade and allows Congress to continue to renege on its promise to fully fund special education. And frankly, I was appalled that the majority chose to completely eliminate the Foreign Assistance Language Program (FLAP). There is little disagreement that the nation continues to face a shortage of language experts after the attacks of September 11th. FLAP is the only federal program that supports language education for students in elementary and secondary schools.

The bill cuts the Maternal and Child Health Block Grant, Healthy Start, training grants for health care workers and grants for public health and hospital preparedness, and eliminates $100 million for the Global Fund to fight HIV/AIDS, Malaria and Tuberculosis.

The bill cuts the Corporation for Public Broadcasting's base account by $100 million. I hope that my colleagues will support an amendment that I will be offering with Ranking Member OBEY and Representative LEACH to restore funding to CPB.

I'm also disappointed that when so many other programs faced the chopping block this year, the bill provides a $10 million increase for abstinence-until-marriage programs despite mounting evidence of the scientific and medical inaccuracy of their curricula and ineffective results. We all agree that we must teach our children that abstinence is the best way to prevent pregnancy and STDs. However, federal dollars should be invested only in programs with strong evaluation components and those found to provide medically and scientifically sound information to young people.

Madam Chairman, I also want to express my continued concern with the Weldon refusal clause provision included in the bill. For over thirty years, there have been Federal laws that allow doctors, nurses, and hospitals to refuse to provide abortion services because of their religious beliefs. However, this provision extends that protection to HMOs and insurance companies.

And just as the law protects religious or moral objections to performing medical services, it protects patients' access to accurate and complete medical information when making decisions about their health. The Weldon provision would unravel these protections, gutting the stipulations included in the Title X family planning program which require that all legal options are presented to a woman; denying rape and incest survivors access to legal abortion services; and overriding state constitutional patient protections. States that attempt to protect access to these health services can be denied all of their federal health, education and labor funding.

I will work to remove this provision from the final bill.

Madam Chairman, this legislation has significant flaws, however, I hope that as it moves through the process we can work together to make necessary improvements to the final measure.

I will vote "no" today.

Mr. OBEY. Madam Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Madam Chairman, I do not know what to say about H.R. 3010. I know the gentleman from Ohio (Mr. REGULA) and the subcommittee staff did the best they could under the circumstances. But to virtually eliminate title VII health professions is draconian and unconscionable.

Since I started serving on this subcommittee almost 6½ years ago, I have fought to end disparities, disparities in employment, disparities in education, and especially disparities in health.

Health disparities are real. If you are black in this country, your life expectancy is 66 years. If you are white in this country, your life expectancy is 74 years. Infant mortality is twice as high for African American babies than white babies.

Fortunately, institutions like the Institute of Medicine and the National Academy of Sciences have laid out a framework on how to end these disparities. One of the recommendations of the IOM was to increase the number of health professions, and this bill virtually does the opposite. It essentially eliminates health professions, a cut of $250 million.

I think a society says a lot about the way it treats the weakest and most vulnerable of its citizens. I believe we live in a ''united'' States, and like a chain, we are only as strong as our weakest link. By leaving some of our citizens behind, we prove that we are not strong and compassionate, but weak and uncaring.

There is a phrase that former Labor-HHS Chairman Porter was fond of saying, ''Noblesse oblige,'' the belief that the wealthy and privileged are obliged to help those less fortunate. In Luke, chapter 12, verse 48, Jesus simply says, ''To who much is given, much is expected.''

We are the wealthiest country in the world. We spend more money on our military than the entire world combined, with the sole mission of protecting this country and advancing U.S. interests, interests which should include a high-quality education and high-quality health care for every American.

I keep hearing members of this committee and the House leadership say that this is a tight budget year. Well, this tight budget year did not occur because of immaculate conception. Congress voted to make it a tight budget year. Congress approved the budget resolution. Saying it is going to be a tough budget year is like a farmer saying he is going to have a bad harvest because he did not plant any seeds.

Madam Chairman, when Congress approved the budget resolution, we did not plant any seeds. Nothing will grow this year. This is not a natural disaster like a drought. This is a disaster of our own making.

What does it say about a society that approves tax cuts for millionaires instead of trying to solve why babies of color die sooner? What does it say about a society that approves tax cuts for millionaires instead of trying to solve what ails the weakest amongst of us?

Madam Chairman, I know the gentleman from Ohio (Mr. REGULA) and the subcommittee staff were dealt a bad hand and did the best job they could under the circumstances, but we should be ashamed of this budget that has produced the product that is before us today.

□ 1300

In Matthew 6:21, Jesus says, ''For where your treasure is, there will your heart be, also.'' If this verse is true, what does it say about us, about this Congress, about our government, that we pass a budget resolution every year that spends almost half of our discretionary dollars on defense and hundreds of billions on all kinds of tax cuts for the most well off?

Madam Chairman, I encourage my colleagues to vote against this bill. In good conscience, none of us should support H.R. 3010.

Madam Chairman, I don't know what to say about H.R. 3010. I know Chairman REGULA and his subcommittee staff did the best they could under the circumstances, but to virtually eliminate Title VII Health Professions I think is draconian and unconscionable.

Since I started serving on this subcommittee almost six-and-a-half years ago, I have fought to end disparities—disparities in employment, disparities in education and especially disparities in health.

Health disparities are real. If you are black in this country, your life expectancy is 66 years. If you are white in this country, your life expectancy is 74 years. Infant mortality is twice as high for African American babies than for white babies.

Fortunately, institutions, like the Institute of Medicine of the National Academy of Sciences, have laid out a framework on how to end these disparities. One of the recommendations of the IOM was to increase the number of health professions. This bill does exactly the opposite. It essentially eliminates health professions—a cut of $250 million.

I think a society says a lot by the way that it treats the weakest and most vulnerable of its citizens. I believe we live in a 'united' states, and like a chain, we are only as strong as our weakest link. By leaving some of our citizens behind, we prove that we are not strong and compassionate but weak and uncaring.

There is a phrase that former Labor-HHS Chairman PORTER was fond of saying, "Noblesse oblige", the belief that the wealthy and privileged are obliged to help those less fortunate. In Luke, chapter 12, verse 48, Jesus simply says, "To whom much is given, much is expected."

We are the wealthiest country in the world. We spend more money on our military than the entire world combined with the sole mission of protecting this country and advancing U.S. interests. Interests which should include a high quality education and high quality health care for all Americans.

I keep hearing members of this committee and House leadership say that this is a tight budget year. Well this tight budget year did not occur by immaculate conception. Congress voted to make it a tough budget year. Congress approved the budget resolution. Saying it is going to be a tough budget year is like a farmer saying he is going to have a bad harvest because he didn't plant any seeds. Madam Chairman, when Congress approved the budget resolution we didn't plant any seeds. Nothing will grow this year. This is not a natural disaster like a drought. This disaster was of our making.

What does it say about a society that approves of tax cuts for millionaires instead of trying to solve why babies of color die sooner? What does it say about a society that approves tax cuts for millionaires instead of trying to solve what ails the weakest among us?

Chairman REGULA, I know you and your staff were dealt a bad hand and did the best job you could under the circumstances, but we all should be ashamed of the budget that has produced the product before us today.

In Matthew chapter 6, verse 21 , Jesus said, "For where your treasure is, there will your heart be also." If this verse is true, what does it say about us, about Congress, about our government that we pass budget resolutions each year that spend almost half of our discretionary dollars on defense, and hundreds of billions on all kinds of tax cuts for the most well off. I have a masters in theology from the Chicago Theological Seminary and have read my bible from cover to cover, and nowhere does it say, "only clothe the naked and feed the poor if it fits into your annual budget resolution." Noblesse oblige, Madam Chairman.

In 1984, referring to Marxist-ruled Ethiopia, President Ronald Reagan said, "a hungry child knows no politics." I would also add that a hungry child, or a sick child, doesn't know a 302(b) allocations from a point-of-order." All he knows is that he is hungry or sick.

Every day I am proud to say I am a Member of the United States Congress. Since December 1995, I have gone home every night and held my head high knowing I worked to improve the lives of all Americans. Tonight I will not be able to do that.

Madam Chairman, fellow Members of the House, I have dedicated my service on this subcommittee to ending disparities in health, education and employment. This bill will only increase them. In good conscience, I cannot support H.R. 3010.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY), also a member of the subcommittee.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I want to thank the chairman and ranking member for giving me the opportunity to serve on this committee and to work with them on so many of these important issues. I know this would be a different bill if the budget had provided the gentleman from Ohio more dollars to work with. I just want to explain some of the things that this bill does that will impact my State of Rhode Island.

In the area of education, the Leave No Child Behind Act is crushing each and every one of our communities because it is driving our property taxes up. All of our local school committees are in an outrage because of the Leave No Child Behind and we do not properly fund it.

In IDEA, Rhode Island is the number one State in the country with the most kids in IDEA, so the cuts to IDEA will obviously affect us disproportionately.

And, Mr. Chairman, we also have the case of military families. Rhode Island is home to the Navy. We have many families from the Navy, children, and they do not get the Impact Aid dollars that they need to properly get a decent education.

As has been said before, child labor has not been properly funded. Actually it has been cut by 87 percent, inspections. Medical research has gone up less than it has in 32 years.

But let me also, to the credit of Chairman REGULA, point out some of the good things that the bill does. The bill does restore money for elementary school counseling and the foundations for learning, both of which are programs that help deal with the emotional needs of our young people. In the area of mental health, the seniors mental health program has been restored, the child mental health block grant has been restored, and the youth suicide are restored. Suicide is twice the rate of homicide in this country. In the next year, we will lose 1,400 young people in our colleges and universities to suicide, and I am glad that those dollars have finally been restored in the budget. They should have never been cut by the President in the first place.

Finally, I am glad that this budget includes dollars to fund health information technology. We lose 98,000 people every year of preventable medical errors because providers do not have the information that they need at the point of service to give the best quality care that they can provide, and I am glad that we provided money in this bill to enable those providers to make those proper decisions and to save lives in our country.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Mr. Chairman, I listened to my friend from Oklahoma talk about public broadcasting, flush with money, lots of other free choices, and that the quality of public broadcasting does not distinguish it from others. I would suggest strongly that he and anybody else who is confused about this go check with the people back home. They would be foolish to eliminate their assets, most stations are not flush in the first place. Asking them to eat their seed corn to continue operations would be criminal.

And if you are confused about the quality, watch it. Nobody has any difficulty telling the difference between the commercial opportunities and the high quality that is offered by public television. The number does not equal quality, and even the good commercial efforts are a pale imitation of the award-winning opportunities that are given to us by public television. But most critically, are the offerings for children. Look at what is on television every day, all day long, for kids in the commercial arena. Then compare it to public broadcasting, and I do not think anybody would agree with my friend from Oklahoma.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentleman for yielding me this time.

Mr. Chairman, I think that this budget as well as these spending bills are clear expressions of the values of the majority party and the White House, but they are clearly not the expression of the values of this country. This country believes in moving forward and investing in its future. It believes in having education for its children, opportunity for everyone, health care.

We are cutting to the bone. This is not a debate about cutting waste and fraud. This is a decision that has been made to give enormous amounts of money back to people that are already very, very wealthy; and the choice was to get that money to cut into education, not to fund No Child Left Behind, not to fund community health clinics, not to fund job training programs, not to fund those things that make this country strong and give us a promise for opportunity and prosperity.

This is the wrong way for us to go. The American people understand that this majority is not talking to the issues that matter most to them. The issues that matter for them are the future of this country and not just arbitrarily giving money back to people who, frankly, have not asked for it and do not need it. At a time when our country is stretched, there is a need of making sure that we have a competitive strategy. Other countries are moving forward. We need to get even, move ahead, and do what this country is capable of doing, and that is lead.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

I just want to address one issue because it has been raised twice on the floor today, Mr. Chairman. The argument our friends on the majority side make is that we should be happy because the education budget has gone up considerably since they took over control of Congress.

Let me point out what the record of the majority party has been on education. When the Republicans took control of the Congress, they did so with the promise to abolish the U.S. Department of Education. Their first act was to rescind $1.8 billion in fiscal year 1995 in education funding. In the next year they tried to do the same to the tune of $3.7 billion. In the 7 years between 1995 and 2001, each of the Labor-Health bills passed by the House Republicans was below President Clinton's request for education. The net result is that there would have been nearly $19 billion less spent on education between 1995 and 2005 if we had enacted the Republican Labor-Health bills into law.

Title I. If Congress had approved the House Republican Labor-H bills, we would have spent $2.8 billion less than we actually spent. After-school centers. If the Congress had approved the House Republican Labor-H bills, we would have spent $516 million less for after-school centers. Special education. If Congress had approved the House Republican Labor-H bills, we would have spent $2.7 billion less for special education. On Pell grants, for the last 3 years, the Republican majority has proposed to freeze Pell grants. If the Republican proposals in fiscal year 2006 are adopted, the purchasing power of Pell grants will continue on a downward spiral.

The plain fact is yes, the money went up for education because Democrats dragged the Republican Party, kicking and screaming, to those higher numbers. So I am glad the Republicans are now trying to take credit for something they were pushed into. It does not matter who gets the credit so long as the school districts get the money.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Chairman, I rise in reluctant opposition to this bill. I say reluctant, because I along with many of my colleagues in the House have a proud tradition of supporting it.

I salute the distinguished chairman of the Labor, Health and Human Services and Education Subcommittee. The gentleman from Ohio follows a tradition of excellence on both sides of the aisle in the leadership of this committee. Before him, our committee was led by John Porter of Illinois who acted in a very bipartisan way addressing the needs of America's families. Before that, the gentleman from Wisconsin (Mr. OBEY) chaired the committee. Before that, Mr. Natcher who chaired it for a long time. Mr. Natcher again acted in a very bipartisan way. He used to say of this bill, this is the people's bill. He knew full well that this is the one piece of legislation that addressed the aspirations of the American people, that tried to allay the concerns that kept them up at night, the economic security of their families, meaning the security of their jobs, the security of their pensions, the health and well-being of their families as well, and, of course, the education of their children, our investment in America's future.

So it is very sad to see the place that we are today. And why are we here? We are here because a very, very skimpy, in terms of investments in America's future. And generous in terms of tax cuts for the wealthiest Americans, budget placed us in a place where the allocation for this subcommittee was one that made decisions very difficult. We say of this bill that it is ''lamb eat lamb.'' There is no way you can go into the bill and say, well, if we want to spend more money on education, we will just take it out of what? Children's health? Pension security? There is no good place to take money from in order to try to improve the situation or mitigate for the damage that has been caused by the cuts. Imagine, as our population growing and with inflation, this bill is about $6 billion effectively in cuts over last year; and, without even those considerations, $1.6 billion over fiscal year 2005.

Economists will tell you, and we all know just because we can observe it

ourselves, that one of the best investments we can make for America's future, for America's competitiveness and for the self-fulfillment of the American people and our children is our investment in education. In fact, economists will tell you that nothing brings more money back to the Treasury or grows the economy more than the education of the American people, early childhood education, K–12, higher education, postgraduate and lifetime learning for our workers. All of that is considered in this bill. All of that is shortchanged in this bill.

For one example, No Child Left Behind legislation. By the President's own legislation, not my figure, President Bush's figure, this bill for the fourth year straight cuts No Child Left Behind in terms of the authorization. We are now $40 billion in shortchanging No Child Left Behind, leaving millions of children behind. How can that be right? And children in title I, children who need special help in terms of reading, many of these children, 3 million of these children will not get help with reading and math that they were promised because this bill gives it $9.9 billion less than it deserves.

Remember, these are investments. How are they paid for? They pay for themselves because they return to the Treasury more than any tax cut and any kind of tax credit, any other instrument you can name. Educating the American people is a very wise investment.

The list goes on about the problems with the underfunding in terms of education. But the point to be made is in these cases, we have given the States a mandate to do a particular job, to reform education, and we have fallen $40 billion short in the money to match the mandates. No wonder people are squawking about No Child Left Behind. The money was not there to match the mandate.

And then on the issue of health care, there are so many examples of where this bill falls short. I will just focus on one, the National Institutes of Health. Many of us were part of the challenge to double the National Institutes of Health funding through the nineties. It seemed like a big task. We were determined to get it done. We realigned our priorities so that it would happen. We had a cooperative President in the White House, and it has happened.

□ 1315

But now in this bill, it will receive the lowest increase, .05 percent; but that represents a cut when we take into consideration inflation, and what it translates to is over 500 grants, since 2 years ago, 500 fewer grants will be able to be made.

People look to the National Institutes of Health with almost a reverential approach. They have the power to cure. Research is the answer for so many families in America. Every one of us, every family, is just one telephone call away from receiving a diagnosis or learning of an accident, which necessitates research at the National Institutes of Health.

And yet we are shortchanging the National Institutes of Health, which also has a pragmatic, practical aspect to it because, in order to be preeminent and excellent in science, we must be number one; and we cannot be number one if we must compete with a shortchanged budget for the National Institutes of Health. The list goes on, these disparities, whether we are talking about the cut in the bill that trims 84 percent, or $252 million taken from the health professions training.

This is one place where we can address health disparities in our country because by doing this, we will reduce the number of minority students who can enter the health professions. We will reduce the number of students, medical students, who will become primary care physicians. We will reduce the number of physicians who will be able to attend to the health needs of rural America, which is a very important aspect of the life of our country.

The bill cuts funding for the Corporation for Public Broadcasting, we all know, by $100 million. It underfunds Head Start; freezes child care moneys; fails to raise the Pell grant by $100, as promised; freezes funding for most Ryan White programs to combat AIDS; and slashes the Community Services block grant in half. The list goes on and on. That is opposed to what this committee used to do and what this bill used to do.

In the late 1980s and the 1990s, especially in the 1990s, this subcommittee rose to the challenge of HIV/AIDS as it was making its assault on our country, with increasing the research, care, and prevention program initiatives in the bill. It has risen to the occasion by increasing funding drastically for breast cancer research and prostate cancer research and the rest. And now what are we doing but effectively giving a cut to the National Institutes of Health.

No bill better illustrates, I think, how America is great, because America is good, than this bill, Labor, Health and Human Services, and Education, because we met the needs of the American people. We did before, but not today. No bill illustrates how out of touch our budget priorities are, how completely out of touch the Republicans are in terms of meeting the needs of the American people. The bill should be about crucial investments in the future of America. They are grossly underfunded.

Mr. Chairman, this bill does not meet the needs of America's children. It does not meet the needs of America's workers. It does not meet the needs of America's seniors. It does not deserve our support.

Mr. SHAYS. Mr. Chairman, I would like to state my concern with the manner in which Title I funds for No Child Left Behind are distributed.

Title I, the funds meant to provide aid to states and school districts to help educationally disadvantaged children achieve the same high standards as all other students, are increased in this bill by $100 million over last year, bringing the total funding to $12.7 billion.

However, Title I funds for Bridgeport, Connecticut, will be cut this year for the fourth year in a row under NCLB. According to the Department of Education, Bridgeport will receive $678,000 less in Title I funds for the next school year, going from $13.7 million to just over $13 million, and down from a high of $14.8 million in 2002.

I voted for NCLB. I support this legislation because it is a monumental step forward for American public education. I also believe NCLB grants unprecedented flexibility to local school districts, demands results in public education through strict accountability measures, empowers parents and provides a safety valve for children trapped in failing schools.

It is hard for me to fathom, however, that while we have increased funding for Title I by 52 percent since 2001, Bridgeport, one of the most disadvantaged school districts in the country, has received a cut of $1.8 million. I believe the law should make sense. The spirit of the bill is to provide funding to the neediest districts, and, quite frankly, cutting Bridgeport funding does not seem to reflect that intention.

While I realize it is not necessarily within the purview of this committee, I believe the formula needs to be fixed.

Mr. SIMMONS. Mr. Chairman, I rise today in strong support of the Community Services Block Grant (CSBG) program.

The Community Services Block Grant provides the core funding for our local community action agencies, allowing them to address the problems that leave individuals in poverty.

Through job skills and employment programs, through educational opportunities for young children like Head Start, and through nutritionally sound programs like WIC, community action agencies work to make their community a better place to live and to offer opportunities for the economically disadvantaged to be successful and break the chains of poverty.

This Congress has continually demonstrated its support for CSBG. In fact, the Conference Agreement on the FE 2006 Budget Resolution added $600 million to maintain CSBG funding at its current level and the letter I circulated with my colleagues, Representatives PHIL ENGLISH (R–PA) and BRIAN BAIRD (D–WA) in support of level funding for CSBG garnered 122 bipartisan signatures.

Yet the bill we are considering today cuts CSBG funding in half. At a time when demands on our community action agency services from the working poor, older Americans, and families struggling with unemployment continue to increase, it is essential that Congress maintain its commitment to CSBG.

In my home state of Connecticut, this 50% reduction in funds to CSBG will result in a serious reduction of social services to our most vulnerable communities, reduction in services assisting families moving from welfare to work, and will seriously impact our community action agencies' ability to leverage other community dollars. The Thames Valley Council for Community Action in New London County, for example, generates and leverages $27 in other resources for every $1 funded under CSBG.

Mr. Chairman, it is clear the CSBG dollars are a smart investment for this Congress and are essential to our nation's most vulnerable

citizens. While my colleagues and I intend to withdraw our amendment today, I thank the distinguished Chairman for the opportunity to debate this important issue here today and I look forward to working with him to increase funding through the remainder of the legislative process.

Mr. SHAYS. Mr. Chairman, I rise to state my opposition to the extension of the refusal clause provision.

The refusal clause exempts health care companies from any federal, state or local government law that ensures women have access to reproductive health services, including information about abortion.

If extended, this provision will continue to have many negative effects by overriding federal Title X guidelines that ensure women receive full medical information. A fundamental principle of Title X, the national family planning program, ensures pregnant women who request information about all their medical options, including abortion, be given that information, including a referral upon patient request.

I am also concerned this bill does not include an increase in funding for Title X. Each year approximately 4.5 million low-income women and men receive basic health care through 4,600 clinics nation wide that receive Title X funds. This program reduces unintended pregnancies and makes abortion less necessary. Had funding for Title X kept pace with inflation since 1980, with no additional increases, it would be funded today at double its current budget.

While Title X is receiving flat funding from last year, the Labor, Health and Human Services and Education Appropriations Act of 2006 gives abstinence-only sex education programs an increase of $11 million, to an all time funding high of $168 million. Unlike Title X, abstinence-only programs do not provide clinical health services.

Additionally, research shows comprehensive sex-education programs, which teach both abstinence and contraception, are the most effective. There is no federal program that earmarks dollars for comprehensive sex education.

I support a woman's right to choose whether to terminate a pregnancy subject to Roe v. Wade, but we can all recognize the importance of preventing unintended pregnancies.

Abortion is a very personal decision. While a woman's doctor, clergy, friends, family and public officials may have an opinion, the ultimate decision rests solely with her. It is vital for every woman to have access to as much information as she needs in order to make this decision.

I oppose these provisions and encourage my colleagues to do so as well.

Mr. SIMPSON. Mr. Chairman, there was an oversight in the No Child Left Behind Act, NCLB required teachers to meet their states highly qualified teacher requirement by the end of the 2005–2006 school year, about a year from now. Paraprofessionals were required to meet their requirements four years after enactment of NCLB. That would be January 8th of next year, halfway through the school year. Everyone agrees that it was an oversight and that these two dates should be aligned. I discussed various ways to fix this oversight with the Education and Workforce Committee Chairman Boehner and the staff, with the Deputy Secretary of the U.S. Department of Education Raymond Simon, and with the National Education Association.

Last week I received a letter from Deputy Secretary Simon which reads in part "to enable the Department to enforce these two requirements in an efficient, effective and coordinated manner, the Department will align the paraprofessional timeline with the teacher timeline." I will include the entire letter for the RECORD.

I want to thank the Department of Education, Dep. Sec. Simon, chairman of the Education and Workforce Committee John Boehner and the staff, particularly, Sally Lovejoy and the National Education Association for working to resolve this oversight in a quick and efficient manner.

U.S. DEPARTMENT OF EDUCATION,
June 15, 2005.

Hon. MIKE SIMPSON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SIMPSON: Thank you for your recent questions about the time frame within which all paraprofessionals working in Title I-funded programs must meet certain qualifications.

The relevant qualifications and time frame for paraprofessionals are detailed in section 1119(d) of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). In general, this section states that all Title I paraprofessionals hired before enactment of NCLB must demonstrate competency by no later than four years after the law's enactment, i.e., January 8. 2006.

As you may know, the ESEA permits all veteran teachers of core academic subjects to have until the end of the 2005–2006 school year to demonstrate that they meet the requirements of NCLB; yet, as mentioned above. Title I paraprofessionals have only until January 8, 2006–the middle of the school year. We agree that it is unusual to have a deadline in the middle of the school year, and believe that the paraprofessional and highly qualified teacher provisions should be consistent. The Department will continue to be supportive of States, school districts and schools, in implementing these particular requirements.

You have suggested that the timeline for Title I paraprofessionals be consistent with the timeline for teachers. Your suggestion is reasonable and practical. Therefore, to enable the Department to enforce these two requirements in an efficient, effective and coordinated manner. the Department will align the paraprofessional timeline with the teacher timeline.

Thank you again for contacting me.

Sincerely,

RAYMOND SIMON.

Mrs. CHRISTENSEN. Mr. Chairman, this LHHS appropriation bill not only undermines what would otherwise be our nations greatest resource, its people, but as a document is not worthy of what I believe this country stands for.

As a matter of fact, as I look at what the Republican leadership lays out in this budget, I just don't know any more what we as a Nation stand for.

We obviously don't stand for equal and the best health care for every American, when you look at the imposition of an 11.9% cut in the programs of the Health Resources and Services Administration and the elimination of Sickle Cell programs, Universal Newborn Hearing, and Emergency Medical Services for Children.

We also don't believe that in this increasingly diverse country that our residents should be able to communicate fully with their healthcare provider—the health professions programs that are key to eliminating health care disparities are decimated.

It appears we don't understand or don't care that the African American community which is so devastated by HIV/AIDS has to have the resources itself to reverse its toll.

And we obviously don't care that an ounce of prevention is worth a pound of cure. This country would rather neglect prevention and early care in favor of the high tech, more expensive treatments that come too little and too late if at all to the poor, the rural, the people of color to make a significant difference.

But that is fully in keeping with why we are where we are in this bill in the first place. This is a country that prefers to have the poor and the middle class citizens bear every burden from war to illness to environmental pollution, just so the richest people in this country can get richer.

What have we come to? We reject the crumbs from the table of the rich. We want what we deserve, good health a decent education and the opportunity for a good job with a living wage.

Apparently the White house and the Republican leadership which has pushed this appropriation to the floor doesn't think so.

The culture of life they talk about apparently does not extend past birth.

I urge my colleagues to vote no on this, to do whatever we can to block the tax cuts and to take our country back.

Let's really fund a culture of life by rejecting the tax cuts in favor of sharing the burdens and the bounty, and really have a budget that supports life.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today to address something of great concern to the tens of thousands of students of all ages in my district: the need for more responsible funding for education.

The President's budget would have eliminated over 50 programs that benefit students. Unfortunately, the President called for the elimination of programs such as TRIO, GEAR UP and the Perkins program.

I was shocked to find these programs on the President's chopping block because they benefit the students who come from lower income families and are trying to be the first person in their family to go to college, and in some cases, to graduate from High School.

I commend Chairman LEWIS and Ranking Member OBEY for agreing to keep these programs so that many more students can achieve their goals of getting a good education.

While I'm glad to see TRIO and Perkins programs in this bill, it still does not do enough for students in districts like mine. Enrollment rates are increasing in our area and throughout the country. Yet we increase funding for education to a level that can not begin to meet that need. Every Congress, we shrink the amount of funding increases to education. This time, we've brought it to a new low by raising our education funding by 3.6 percent.

Under this bill, Title I funding is increased by $1 billion. The thousands of students who benefit from Title I funds will greatly appreciate this increase. However, this is still $7 billion short of what is authorized for Title I under No Child Left Behind.

I support the efforts the committee has made to restore the TRIO and Perkins programs and increase Title I funds. We should

always do our best to fully fund these initiatives. This bill falls short of what we should be investing in education.

Ms. WOOLSEY. Mr. Chairman, I rise in opposition to a bill that does not value America's children and families.

The average American wants Congress to do more to ensure that our children receive the help they need to succeed in school and in life.

Instead, this bill implements a budget that values tax cuts for the wealthiest Americans more than it values education for the least wealthy Americans.

In 2001, Congress passed the No Child Left Behind Act. We and the President agreed, or at least I thought we did, that Federal education policy must include both reforms and resources.

I strongly support NCLB's goals, although as we move forward, I want us to look closely at what needs to be done to make it work best.

But, I can tell you right now that one thing that needs to be done is to keep the promise that Congress and the President made to the American people to fully fund NCLB.

Yet, not only would this bill provide $13 billion less than was promised for NCLB for this year, it would actually cut funding for NCLB compared to last year.

Over 4 years, this Congress has underfunded NCLB by more than $40 billion.

This bill would increase funding for Title I by less than 1 percent, at a time when we need to do more than ever to close the achievement gap not only within our country, but between our country and many of our economic competitors around the world.

It would freeze funding for teacher training, even as we face a looming teacher shortage—and we know that the most important factor in child's education is a good teacher.

It would freeze funding for after-school centers, even though last year we were only able to fund 38 percent of applications.

And this bill would cut funding for education technology by 40 percent, even as technology becomes more and more important to learning.

Another area in which this bill would do less is special education.

I think every member knows that in 1975, Congress and the President promised to fund 40 percent of schools' special education costs. Last year, 30 years after we passed the Individuals with Disabilities Education Act, we funded only 19 percent of those costs. Under this bill, that percentage would go down to 18 percent. That's what this bill does—or more accurately, doesn't do—for elementary and secondary education.

For younger children, even though we're only serving about half of the children who are eligible for Head Start, this bill would increase funding by less than 1 percent.

And for college students, it would provide only a $50 increase for Pell grants, even though tuition at the average public college has gone up by $2,300 since 2001.

Finally, this bill would make drastic cuts to the Corporation for Public Broadcasting, which does so much to promote a diverse and free-thinking society.

Public broadcasting provides forums for many voices that otherwise would not be heard.

It provides our children with the best educational programs on television, such as Sesame Street, and is a valuable source for reliable news programs for millions of Americans.

By cutting funding for CPB, we are weakening our strongest source of unbiased, diverse, educational and cultural programming.

In short, this bill is a step backward—a step we can't afford.

In his new book, ''The World is Flat,'' the New York Times' Thomas Friedman explains that America's historical economic advantages have disappeared now that ''the world is flat, and anyone with smarts, access to Google and a cheap wireless laptop can join the innovation fray.''

Mr. Friedman's and others' remedy is to ''attract more young women and men to science and engineering.''

But, it will be impossible for our country to continue to lead the world in innovation as long as Congress and the President choose tax cuts for millionaires over investment in education.

Mr. Chairman, that choice does not reflect the values of the people in my district, nor do I think it reflects the values of most Americans.

And so, I ask my colleagues to join me in opposition to this bill.

Mr. DAVIS of Illinois. Mr. Chairman, H.R. 3010 falls far short of helping rectify many of the problems facing our Nation's and specifically, my constituents' healthcare needs. There are a number of areas of this appropriations bill that will have a significant impact on the future of healthcare delivery for the underserved communities of this country. As the number of uninsured and underinsured continues to rise, the government programs which act as a safety net continue to be challenged to provide more care with less funding. While the President and his administration support the funding of Community Health Centers, CHCs, the implication of the funding shortfall with regards to the training of health care professionals is that there will be a lack of future physicians and health care providers to staff these very centers.

Specifically, three HHS programs targeting underrepresented minorities in the healthcare professions have been completely eliminated by this bill with no explanation from the committee. This evisceration totals $158 million that would otherwise directly lead to underrepresented minorities entering healthcare professions and potentially serving the very communities they grew up in and are hurting the most from the lack of access. The ''Centers of Excellence'' program, which last year contributed $33.6 million to health professions schools with significant minority enrollment, will no longer exist under this appropriations bill. In my district, the University of Illinois at Chicago has benefited from this program and stands to lose necessary funding to train a greater number of minority students.

The ''Health Careers Opportunity Program,'' HCOP, is also effectively eliminated by the $35.7 million cut from last year's funding again with no explanation from the committee. This program strives to build diversity in the health professions by developing a more competitive applicant pool. The program provides students from disadvantaged backgrounds an opportunity to develop the skills needed to successfully compete for admission to and graduation from health professions schools.

Lastly, the ''Training in Primary Care Medicine and Dentistry'' program is effectively eliminated by the $88.8 million cut, again with no explanation from the committee. The aim of this program is to improve access to quality health care through the appropriate preparation, composition and distribution of the health professions workforce. The program emphasizes diversity, distribution and the quality of the health professions workforce as a means of improving access to care. Grants for training in primary care medicine and dentistry support academic administrative units, residency training, pre-doctoral training, faculty development, physician assistants, and general and pediatrics dentistry program areas. Like the previous two programs eliminated, this program specifically aims at increasing underrepresented minorities in healthcare professions with a focus on meeting the increased demand for primary care physicians and health care providers.

Overall, these programs are vital to meeting the needs of underserved communities in my district as well as those all around America. Eliminating their funding will create more holes in an already fragmented and fractured healthcare system. As the number of uninsured and underinsured Americans continues to rise, a greater number of health professionals will be needed to meet their demands. Cutting funding that would increase the numbers of these health professionals is not in the best interest of our constituents that are in need of increased access, quality professionals, and overall better care.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 3010, the Fiscal Year 2006 Labor HHS Appropriations Act.

This bill contains funding for many important programs to protect our working men and women, provide for the education of our Nation's children, and support healthcare needs.

Specifically, I want to commend Chairman REGULA and the Appropriations Committee for working with me to include increased funding in this bill to ensure that our country is better prepared against the emerging threat of a pandemic influenza. As the chairman noted so eloquently in his opening statement, this bill is about setting priorities and the chairman has rightfully focused increased resources on this very real threat to our Nation's health and security.

The chairman has rightfully included in this bill $530,000,000 for the Strategic National Stockpile, which is $63 million above the 2005 funding level to expand our Nation's strategic national stockpile of antiviral treatments as well as $120 million to ensure a year-round influenza vaccine production capacity in the U.S. and the development and implementation of rapidly expandable influenza production technologies.

The avian flu is a huge health risk and national security concern that we cannot ignore.

The Centers for Disease Control and U.S. Department of Health and Human Services have both acknowledged that the avian flu is a leading and quickly emerging threat to our population and that of other nations.

Currently, the avian flu is very contagious among birds, including chickens, ducks, and turkeys. It is believed that most cases of this flu in humans has resulted from contact with sick birds.

Health experts warn that a global pandemic could occur if avian flu eventually undergoes genetic changes, making it easily contagious among humans. Such an event could create a

global pandemic, resulting in the deaths of hundreds of thousands of people in the U.S. and worldwide.

Already, the avian flu has killed 54 people in Southeast Asia in the past year, and just last week we learned of new human cases in Vietnam and a new case in Indonesia.

In response, the World Health Organization has again issued warnings to all governments urging them to act swiftly to control the spread of flu before it mutates into a form that can be easily transmitted among humans and become far deadlier. And further, these same health experts have urged all countries to increase their stockpiles of available antiviral treatments so that we are prepared for a worst case scenario.

This morning, I read with great interest Mort Kondracke's column in Roll Call, where he cited a cover story in the summer edition of the journal Foreign Affairs as saying avian flu could be ''the next pandemic.'' According to his column, the journal goes on to refer to avian flu as being ''far more dangerous than the Spanish flu that killed 50 million people worldwide in 1918 and 1919, including 675,000 in the United States.''

Mr. Chairman, we must prevent what is happening in Southeast Asia from spreading and reaching the American continent. If Americans are left unprotected and unprepared for an outbreak, there could be dire consequences.

Today, the national Strategic Stockpile includes antiviral treatment for just one percent of the population. If an avian flu pandemic occurred today, this would leave millions of Americans susceptible to infection, and possibly death.

The threat of avian flu spreading across our borders is not going away, and neither can our commitment to protecting the American people from such a risk. The funding included in this bill for the purchase of antiviral vaccines and ongoing efforts to develop an effective vaccine against the avian flu is hugely necessary for the security and health of all Americans.

Again, I commend the chairman for placing the highest priority on this urgent need and I urge my colleagues to support this bill.

Mr. OSBORNE. Mr. Chairman, I rise in strong support of the Community Service Block Grant and in opposition to the cuts to this program. The Community Services Block Grant program distributes Federal money to more than 1,100 community action agencies nationwide that use those funds to lessen the effects of poverty.

In my Congressional District, there are six Community Action Agencies: Blue Valley Community Action, Central Nebraska Community Services, Community Action Partnership of Mid-Nebraska, Kearney, Goldenrod Hills Community Services, Northwest Community Action, and Panhandle Community Services. Each of these agencies provide invaluable services to the citizens of Nebraska.

Many people have asked about what CSBG funds do. In short, CSBG funds provide the glue that help Community Action Agencies coordinate funding and services across the spectrum of what families might need. An example of the success of CSBG was shared with me by Shelley Mayhew of the Blue Valley Crisis Intervention. Shelley worked with a young mother with a 5-year-old child who was abandoned, with no money or car, by her abusive and violent fiancé.

Unable to search for a job because of her inability to pay for childcare, lack of extended family support, lack of domestic violence services, and her lack of a car, since in rural Nebraska we have no mass transit system, this young mother was referred to Blue Valley Community Action Crisis Intervention. There, through the actions of staff at Blue Valley, the child was enrolled in school, the family received domestic violence counseling and found affordable housing, and the mother found a job that allows her to support her family. Today, this young mother is even enrolled in a program to help her prepare for homeownership. Shelly's caseworker says, ''I watched a family struggling and hopeless become self-sufficient and optimistic about the future. I feel very fortunate to be part of an agency that makes a difference in so many people's lives.''

This is just one story from my Congressional District. CSBG is a true State block grant program that allows States to establish and operate anti-poverty programs that meet the unique needs of their low-income communities. In Nebraska, it is critically important. I hope that the funding for this important program can be restored during the Conference Committee.

Mr. ISSA. Mr. Chairman, I offer my amendment no behalf of the thousands of women fighting a fierce battle against gyneocologic cancers. I would like to first thank Chairman LEWIS and Chairman REGULA for giving me the opportunity to speak on a topic that is not only a legislative priority, but a personnel commitment.

My amendment would simply redirect $5 million within the HHS budget to the Office of Women's Health to coordinate a national education campaign to educate the public on gynecologic cancers.

Every 7 minutes a woman is diagnosed with a gynecologic cancer. In 2005, over 82,000 will be diagnosed with a gynecologic cancer and over 27,000 women will die. The most common gynecologic cancers include ovarian, cervical and uterine cancers.

Too many women are dying because they were diagnosed too late. Education and early detection are the keys to saving women's lives and reducing these statistics. If diagnosed in the early stages, the 5 year survivability rates are as high as 95 percent.

Gynecologic cancers, when detected early, can often be prevented from becoming fatal. Since all women are at risk—no matter their ethnic background or socioeconomic status—it is critical that we find a way to inform women about the steps they can take to maintain their health.

Due to the private and intimate nature of these cancers, oftentimes women are uncomfortable discussing issues surrounding gynecologic cancers with friends and family. It is vital that we have a national dialogue to provide accurate and timely information to the public.

By simply educating women about these cancers, we have an opportunity to save lives. The messages are simple: learn the symptoms, have an annual exam and talk to your doctor. Unfortunately, most women do not know these messages, which is why we need to pass today's amendment.

Dollars spent on education are an appropriate use of federal resources. Education empowers individuals to make the best choices regarding their health care.

Last year, I discovered first-hand how important early diagnosis and education can be. My Legislative Director was diagnosed with cervical cancer. Her journey led me to work with Representatives SANDER LEVIN, KAY GRANGER and ROSA DELAURO and introduce H.R. 1245, ''the Gynecologic Education and Awareness Act of 2005,'' which has 193 bipartisan cosponsors.

This bill, also know as ''Johanna's law,'' has allowed me the privilege and honor to meet and work with an amazing group of survivors, patients, doctors, and families who have lost loved ones to these awful cancers.

I would like to personally thank Sheryl Silver, who started this whole effort over 4 years ago. In honor of her sister, Johanna, who died of ovarian cancer, Sheryl focused her energy and resources on writing, lobbying and working this bill. It is a model of how our democracy should work.

In addition, I would like to thank the Society of Gynecologic Oncologists (SGO) and the Gynecologic Cancer Foundation for their tireless efforts in saving women's lives. They have been invaluable to this Legislative effort. Dr. Beth Karlan, from Cedars Sinai Medical Center, is the President of SGO and the doctor who saved my Legislative Director's life and deserves a special note of heartfelt gratitude.

I appreciate the opportunity in raising this issue today. I look forward to working with Chairman JERRY LEWIS and Chairman RALPH REGULA and appreciate their hard work and their willingness to work with all members on their issues.

Mr. HIGGINS. Mr. Chairman, I rise today to add my voice to those of millions of Americans who are outraged at the dramatic reduction in much-needed support for public television stations across the country. Under the Departments of Labor, Health and Human Services, and Education Appropriations Act for Fiscal Year 2006, the Public Broadcasting Corporation will lose $100 million, a 25 percent reduction from last year's funding. In addition to such cuts, this measure also proposes the elimination of the highly successful ''Ready to Learn'' children's education service, as well as funds needed to upgrade aging satellite technology and make the conversion to digital programming that has been mandated by this very body. All told, these reductions amount to a nearly 50 percent decrease in funding for public broadcasting.

These reductions target a thriving network responsible for a wide range of intellectual and creative programming, much of it targeted toward children. Recently many Americans, and many in this chamber, have inveighed against the proliferation of sex and violence on television. They have rightly expressed frustration at the increasing difficulty of monitoring the objectionable material that appears on network stations. Yet these same members are now proposing a debilitating reduction in much-needed funding for the very network that provides quality substantive programming for children and serves as an educational resource for parents and teachers. These cuts will most dramatically impact local public television and radio stations, especially those in rural areas and those servicing minority audiences.

These budget cuts target the ''Ready to Learn'' children's program that has helped more than eight million American children improve their reading skills. This program has supported more than 6.5 hours of educational programming each weekday, and has even financed workshops for parents interested in helping their children learn how to read.

The cuts will also significantly affect the financial security of local public broadcasting affiliates; nearly 70 percent of funding allocated for the Public Broadcasting Corporation is transferred directly to these local stations. With these funds, local PBS stations like WNED and WBFO in my district in Western New York purchase national programs and produce their own local programming. In an age dominated by giant media conglomerates, PBS affiliates are often the only television station offering shows that are specifically targeted to their locality. This local perspective is particularly important in rural areas, like much of my district, that are deemed unprofitable by larger, for-profit media conglomerates. Moreover, Americans overwhelmingly trust and support PBS, even as their respect for the news media at-large has substantially decreased. As the sixth most-watched media outlet, PBS attracts the attention of more than 70 percent of American households at least once a month.

I have received hundreds of phone calls and letters from my constituents in Western New York who are outraged at this targeted attack on public broadcasting. I firmly believe that this Congress has a responsibility to fully support substantive programming for our constituents, particularly our youngest constituents. In an era when partisan bickering and raucous shouting matches have become increasingly prevalent on our Nation's television and radio stations, we have an opportunity to elevate the level of public discourse by supporting programming that seeks not only to entertain but also to educate.

By fully funding public broadcasting, we provide an unbiased, intellectual outlet for those Americans who do not have access to the gilded museums and vaunted cultural institutions of our nation's wealthiest cities. In a broadcast space increasingly dominated by rampant consumerism and the extreme elements of the political spectrum, we have an opportunity to back an enterprise devoted not to the acquisition of greater wealth, but to the betterment of our common culture. We must not allow our partisan differences to obscure the very real contribution of the Public Broadcasting Service, if not for ourselves than for the youngest members of our society.

Mr. HOLT. Mr. Chairman, Americans have long relied on the Pell Grant program to help pay for higher education. For decades, the program has supported students as they strive to reach their potential. Now, at a time when tuition costs are rising significantly every year, the Pell Grant program has become even more important.

This year it is projected that 1.3 million students will see their Pell grants reduced, and another 90,000 will become ineligible entirely due to the administration formula tax table changes. I was going to offer an amendment with my colleague TIM BISHOP today which would have stopped future formula changes cutting more students. The amendment would have been ruled out of order.

Though the Bush Administration's change to the federal student aid formula was subtle, its effect is not. Just as states are raising the price tags for higher education, the Bush Administration tells students and their families that they must shoulder a greater share of the burden. Due to the fact the Pell grant formulas effect the rest of student aid the Bush student aid reduction will force students and families to pay $3.2 billion more overall for college this year.

And these aid cuts come at a time when tuition is rising at double-digit rates. Even without these cuts, students and working families are straining to pay for higher education. According to the College Board, tuition, room, and board at a 4-year public university costs an average of $11,354, which is $824 more than last year and $1,775 more than 2 years ago. In other words, tuition at public institutions has been increasing by almost ten percent each year. In fact, according to the National Association of State Universities and Land-Grant Colleges, tuition and fees at public institutions in New Jersey have increased by more than 40 percent over the past 5 years. In some states, the increase is more than 60 percent.

Given rising college costs, reducing eligibility for financial aid seems short-sighted at best, and at worst, insensitive and uncompassionate.

Five million students rely on these grants to help pay for college. However because of these changes 36 percent of the 5 million students who receive Pell will have their awards reduced. The Pell Grant program has long embodied what government can and should do: serve as a pillar to lean on for individuals working hard and using their talents to achieve their dreams. Unfortunately and inevitably, these cutbacks have priced students out of college, forcing them to postpone their education and put career goals on hold. And those who do go on to college do so only by taking on larger burdens, including private loans that must be repaid starting immediately after graduation.

We believe the current course is taking us in the wrong direction. At a time when the country faces international competition and outsourcing, at a time when education has never been more important, Congress should be expanding college opportunity, not shrinking it. More than just an individual accomplishment or a point of pride for a family, college education is a public good. Our economy, culture, and communities benefit from having more college graduates.

I ask my colleagues to work with us to ensure that no students see their student aid reduced.

Mr. CUMMINGS. Mr. Chairman, the Labor-HHS Education Appropriations bill (H.R. 3010) that we are considering today is a sad reflection of Congress' commitment to our Nation, as it represents a gross underfunding of key domestic priorities as well as widens the disparities gap.

Access to an affordable, high-quality, public education helps save our children and generations yet unborn from the clutches of poverty, crime, drugs, and hopelessness. I would ask what could be more important or more necessary than to make sure that those who wish to better themselves through a high quality education are able to achieve that goal unobstructed by the barriers of financial disadvantage?

Regrettably, this bill would close the door of opportunity to more students by providing the smallest increase in education funding in 10 years.

Specifically, H.R. 3010 eliminates 24 important education programs. It freezes funding for after school centers, maintains the broken promise of IDEA full funding, and underfunds Title I by $9.9 billion below the investment promised in NCLB, leaving 3 million needy children to struggle without the academic assistance we pledged to provide. Despite the need to expand the affordability of higher education, this bill would provide only a paltry $50 increase to the maximum Pell Grant award.

Mr. Chairman, I am also deeply troubled by the fact that this bill fails to move America in a direction in which being a minority is not a mortality factor.

The National Institute of Medicine concluded that: Americans of color tend to receive lower-quality health care than do Caucasians; Americans of color receive inferior medical care—compared to the majority population—even when the patients' incomes and insurance plans are the same; and these disparities contribute to higher death rates from heart disease, cancer, diabetes, HIV/AIDS and other life-endangering conditions.

H.R. 3010 would expand the disparity in health care access by eliminating the Healthy Communities Access Program and ten health profession training programs. It would also cut by $871 million the Health Resources and Services Administration and freeze nearly all Ryan White AIDS Care programs at a time when AIDS disproportionately ravages communities of color.

H.R. 3010 would also leave the neediest with even less help by cutting the Community Services Block Grant by 50 percent.

Lastly, I know I echo the sentiments of many of my constituents and those around the country when I say—restore the funding for the Corporation for Public Broadcasting (CPB). I received almost 200 calls from constituents concerned about the detrimental impact cuts to the CPB will impose.

In my state, the $100 million rescission in the bill means that Maryland Public Television will be cut by $1,192,198. For Maryland's public radio stations, it also translates into significant decreases in funding—WBJC by over $84,000; WESM by almost $63,000; WSCL by $55,000; and WEAA and WYPR, both based in my district, by $78,673 and $138,029 respectively. The CPB is an invaluable part of the educational and informational structure of our Nation—for both those young and the old. We should not deafen its voice by cutting nearly 50 percent of its budget.

Mr. Chairman, H.R. 3010 represents a misguided attempt to restore fiscal sanity on the backs of those least able to bear the heavy burden.

Our collective belief in the principles of fairness and equality demand that we do more than the Bush Administration and House Leadership—who only offer hollow promises to address these disparities. We should hold them accountable and force an actual delivery on these promises by restoring funding for the numerous critical domestic programs in this bill. America expects and deserves this accountability.

Mr. HOLT. Mr. Chairman, today I rise to express my concern that this bill zeroes out funding for the Foreign Language Assistance Program (FLAP) within the Labor, Health and Human Services and Education Appropriation Bill. FLAP is currently the only federal program that supports foreign language education at the elementary and secondary school level. It is widely understood that early language education is the key to language proficiency later on.

In order to start addressing the pressing need for skilled linguists and other language

professionals that currently exist, forty of my colleagues and I sent Chairman REGULA and Ranking Member OBEY a letter requesting $30 million for this program.

In the past, FLAP grants have helped elementary and secondary schools create and maintain high quality language programs in areas such as Arabic, Chinese, Japanese, Spanish and French.

Our Nation's language capabilities are underdeveloped because we have neglected to provide the language programs that currently exist. An increase in FLAP funding will pay large dividends in the future as new generations of Americans are exposed to foreign languages and cultures at a young age. Currently the demand for language services in the United States is greater than ever before. For reasons such as economic development, cultural growth and national security, Americans are learning that we need to have much better facility with all languages and dialects.

I understand that language education is one of the most pressing national security issues facing our Nation today. While the Defense Department, the State Department and our intelligence agencies have recently turned their attention to the language problem, their approach remains focused on immediate needs. However, programs such as FLAP are critical in addressing the long term problem by increasing interest in, and access to, language education.

The House has already gone on record this year in strong support of language education when it unanimously approved H. Res. 122, and established 2005 as the Year of Languages. I believe that an increase in FLAP funding would be an appropriate way to further show Congressional support for language education.

As this bill goes to conference I ask my colleagues to join me in demanding funding for foreign language education.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the purpose of entering into a colloquy, I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Chairman, I thank the chairman for yielding to me.

I rise today with the gentleman from Nebraska (Mr. OSBORNE) for the purpose of engaging the chairman in this colloquy about the National Youth Sports Program.

Mr. Chairman, this year due to funding constraints, the National Youth Sports Program was not funded in this appropriation bill. The National Youth Sports Program is an educational partnership that has worked successfully for 37 years. It provides low-income children, ages 10 to 16, a 5-week summer program offering sports and academic programs at colleges and universities nationwide.

This proven program also reaches beyond academics and sports to provide opportunities for learning about good nutrition, developing leadership skills, and developing good character. Currently, the program serves about 76,000 kids at 201 colleges and universities across the country. Participants benefit from close contact with caring adults and learn about discipline and self-esteem that organized sports provide. In addition, NYSP gives many participants the first opportunity to experience a college or university campus from the inside. In my home State of Wisconsin, close to 1,600 young people participate in this program.

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

Mr. REGULA. I yield to the gentleman from Nebraska.

Mr. OSBORNE. Mr. Chairman, I thank the gentleman for yielding to me, and I thank him for his work on this bill.

Mr. Chairman, over 36 years of dealing with young people as a coach, recruiting, and as a teacher, I have witnessed an unraveling of our Nation's families. Young people in America currently face more overwhelming obstacles than ever before. Nearly one half of all children grow up without one biological parent or are in some difficult home environment.

The main value of this program, as I see it, Mr. Chairman, is that it does give some very needy children on a college campus great supervision and through the vehicle of sports encourages them to do well in school, provides some character-building experiences. I have experienced personally these programs. I have participated in them; so I see great value and really appreciate the chairman's willingness to at least consider our proposal.

Mr. REGULA. Mr. Chairman, reclaiming my time, the committee acknowledges the good work that is done by the National Youth Sports Program, but was unfortunately unable to fund this program due to funding constraints.

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

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

Mr. KIND. Mr. Chairman, as the chairman is aware, earlier this year we did have a bipartisan letter of support from over 50 of our colleagues requesting a $20 million appropriation for NYSP. Given the importance of this program to many children throughout the country and the fact that NYSP has successfully leveraged Federal funding to secure substantial matching community investments, we would hope that if the funding is found on the Senate side that the House could be supportive, that the chairman could be supportive of the funding level coming out of the Senate in conference.

Mr. REGULA. Mr. Chairman, reclaiming my time, the committee will do its best in the conference if additional funding is available to preserve the National Youth Sports Program.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the legislation.

Mr. Chairman, I oppose the Republican education appropriations bill because it makes huge cuts to our critical education programs.

The Republican education measure will force millions of students, elderly, disabled and veterans to foot much of the bill for billions in unprecedented tax giveaways to corporations and the super rich.

This bill compromises our ability to build a highly skilled workforce and strong economy, just at the time when we need the investment the most.

THE REPUBLICAN EDUCATION BILL CUTS NO CHILD LEFT BEHIND

The Republican education bill actually cuts overall funding for No Child Left Behind by 806 million dollars this year.

The timing could not be worse. Schools are continuing to work to meet the challenges of NCLB.

In 2006, all students are to be taught by a highly qualified teacher for the first time.

These reforms are critically needed, yet we aren't meeting our commitment to fund them.

Since its passage, President Bush and the Republican controlled Congress have broken their pledge to fully fund NCLB by a total of nearly $40 billion.

DENYING CRITICAL MATH AND READING SERVICES TO MILLIONS OF SCHOOL CHILDREN

The Republican education bill cuts the Administration's Title I funding increase by 83 percent.

As a result, more than 3 million children will be denied critical services to improve their math and reading skills.

Current funding for Title I grants—which help low-income children improve their academic skills—is now $10 billion short of what President Bush and the Congress promised under NCLB.

THE REPUBLICAN EDUCATION BILL MAKES IT EVEN HARDER TO PAY FOR COLLEGE

Millions of students and families continue to struggle to cover rising college costs and soaring loan debt.

Yet this bill provides no real relief.

Instead, the Republican education bill provides a meager $50 increase to the maximum Pell grant scholarship—which doesn't even cover the rise of inflation.

In addition, it falls nearly $1,000 short of President Bush's $5,100 maximum Pell promise—despite the fact that last year's maximum Pell grant scholarship was worth nearly $800 less, in real terms, than it was 30 years ago.

As a result, students will shoulder huge new debts as college expenses continue to rise.

The Republican education bill also shortchanges teacher training by freezing Teacher Quality State Grants—which have been frozen or cut for 3 years in a row.

As a result, 56,000 fewer teachers would receive the high quality training promised under NCLB.

This education bill marks the first year in nearly a decade that we are actually losing ground on IDEA.

The Republican education bill funds IDEA at less than half of the amount we promised when we enacted the law.

Congress promised to cover 40 percent of the costs of education for children with special needs—yet this year, we'll only cover 18 percent.

We need to move forward to close the gap between the amount Congress promised and the amount that we provided—not backwards, as this bill does.

This bill raids critical services to children, the disabled, veterans and college students to pay for billions in unprecedented tax giveaways to corporations and the super rich.

I strongly oppose the Republican education bill because it will force massive cuts to our key education programs and shortchange millions of American children, students and workers.

I urge my colleagues to oppose the Republican education appropriations bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 3010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,658,792,000 plus reimbursements, of which $1,708,792,000 is available for obligation for the period July 1, 2006, through June 30, 2007; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2005, until expended; and of which $950,000,000 is available for obligation for the period April 1, 2006, through June 30, 2007, to carry out chapter 4 of such Act: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act of 1998, $212,000,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,193,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That $125,000,000 shall be available for Community-Based Job Training Grants: *Provided further*, That $7,936,000 shall be for carrying out section 172 of such Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, $75,759,000 shall be for carrying out section 167 of such Act, including $71,213,000 for formula grants, $4,546,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes: *Provided further*, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to enter into a colloquy with the gentleman from Texas (Chairman BARTON) of the Committee on Energy and Commerce to discuss an amendment which I introduced and which was adopted by the Committee on Appropriations to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Fiscal Year 2006 appropriations bill. The Committee on Appropriations adopted my amendment, which blocks convicted sex offenders from receiving federally funded medication such as Viagra and other similar medication.

As the chairman may know, more than 800 sex offenders in 14 States have been reimbursed for Viagra and similar medication. The sex offenders being tracked for these statistics are level three sex offenders, which are the most threatening and dangerous of all convicted sex offenders.

The amendment, already incorporated in the bill before us, will prohibit any Federal funds under this act to be used for reimbursement to convicted sex offenders for Viagra or similar medication. Since this is an appropriations bill, it means that the effect of these provisions will last only for 1 year. I look forward to working with the gentleman from Texas (Chairman BARTON) on the Committee on Energy and Commerce and the gentleman from California (Chairman THOMAS) on the Committee on Ways and Means on legislation to stop this practice quickly and permanently.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from California, the author of the amendment, section 519 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Fiscal Year 2006 appropriation bill, for yielding to me.

Section 519, as authored by the gentleman from California (Mr. DOOLITTLE), would prohibit Medicare, Medicaid, and other public health agencies from paying for erectile dysfunction medications to convicted sex offenders by modifying the medication coverage policies of entitlement programs established under the statutes within the jurisdiction of the Committee of Energy and Commerce, which I chair.

This provision is clearly, and I repeat, clearly, legislating on an appropriations bill, a clear violation of clause 2 of rule XXI of the rules of the House. Legislative changes affecting these public health programs should be properly considered by the authorizing committee of jurisdiction and not in an appropriations bill.

I am, however, very sympathetic to the goals of the sponsor of this provision, what the gentleman from California (Mr. DOOLITTLE) is trying to accomplish. I have with me a press report by the Associated Press just released today that says in California, the State that the gentleman from California (Mr. DOOLITTLE) is from, last year their program paid for 137 sex offenders to get these types of drugs, and I know the gentleman from California (Mr. DOOLITTLE) wants to prevent that.

So I am not going to object today because I believe that under no circumstances should taxpayers' dollars be used to pay for providing these medications to convicted sex offenders. We do not want to send the wrong message to these individuals or to the State public health officials that have allowed this to happen.

I did send a letter to the Committee on Rules asking that this language remain subject to a point of order on the floor today; but given these unique circumstances, I have agreed to allow this provision to be included in the bill today.

I want to put the House on notice and the gentleman from California (Mr. LEWIS), chairman of the full committee, and the gentleman from Ohio (Mr. REGULA), chairman of the subcommittee, that the Committee on Energy and Commerce will move legislation prohibiting convicted sex offenders from gaining access to these medications before the conference on this appropriations bill is complete.

This is the proper way for the House to address the issue. I would hope that all Members will support this legislation when it comes to the floor in the very near future.

[From the Associated Press]

STATE AGENCIES DIRECTED TO STOP PROVIDING SUCH DRUGS TO EX-CONVICTS

SAN FRANCISCO.—California taxpayers helped pay for Viagra and other impotence drugs for at least 137 registered sex offenders in the past year, the state Attorney General's office said.

An audit found that Medi-Cal—the state Medicaid agency that funds some health services programs for California's poor—spent $2.6 million to provide 5,855 men with Viagra and other erectile dysfunction drugs, including 137 men who were registered sex offenders, Nathan Barankin, spokesman for Attorney General Bill Lockyer, said Wednesday.

Lockyer's office received a list of Medi-Cal-funded Viagra recipients from the Department of Health Services and ran that list against the men whose whereabouts are registered with local law enforcement, Barankin said.

Last month, under federal pressure to prevent sex offenders from obtaining taxpayer-funded Viagra, Gov. Arnold Schwarzenegger directed state agencies to stop providing such ex-convicts with erectile dysfunction drugs.

The federal Centers for Medicare and Medicaid Services even warned it might cut federal funding for states that do not make serious efforts to cut convicted sex offenders off from these drugs.

State authorities across the country have been searching their databases after a New York state audit showed that 198 sex offenders there received government-reimbursed Viagra between January 2000 and March 2005.

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

Mr. DOOLITTLE. I yield to the gentleman from New York.

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding to me.

I too support the spirit and intent of the gentleman from California (Mr. DOOLITTLE). And if there ever was common sense, it is the fact that taxpayer money should not be used to provide Viagra and similar medications to convicted sex offenders, those among the worst in the country. So this is a short-term solution; but we need a long-term solution, a bill that I have introduced; and it is understood that the chairman will move that legislation. It focuses on drug utilization review programs that provide the States with the flexibility to prevent convicted sex offenders from obtaining Viagra with taxpayer money.

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, I thank both these gentlemen and commend the gentleman from New York (Mr. FOSSELLA), the author of the permanent legislation, and the gentleman from Texas (Mr. BARTON), the chairman of the primary committee with jurisdiction over this. This definitely needs to be made permanent. This is really just an interim step until that legislation can move.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY), ranking member, for letting us have this colloquy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to begin my remarks by acknowledging the obvious. The gentleman from California (Chairman LEWIS) and the gentleman from Wisconsin (Mr. OBEY), ranking member, dealt the hand that was given to them.

□ 1330

The gentleman from Wisconsin (Ranking Member OBEY) of the subcommittee and the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, dealt the hand that was given to them.

But, my friends, when the budget is cut by $16 billion and you expect that the most vulnerable of America can raise their head and survive, you understand that a crisis is in the midst.

Now, I was prepared today to offer two amendments, because I believe that in helping that we can all work together. But I realize that the ranking member and the chairman have done everything that they could possibly do, and I buy into our leader's concept that this is simply borrowing from the lambs, the most vulnerable.

But I do want to acknowledge the two amendments that I would have offered today and share with my colleagues the reason for withdrawing them, because I hope that we will battle all the way to conference, restore the $16 billion that takes away from the most needy, but also from the Americans who depend on us the most.

Just a couple of days ago, the Subcommittee on Defense of the Committee on Appropriations stood on the floor of the House and they said they came in $3.5 billion under mark, meaning that they spent less than they were authorized or able to do. But even with that $3.5 billion, we find ourselves cutting over 20 Health and Human Services programs and over 25 educational programs to educate our children.

I would have offered the following two amendments, one dealing with the hepatitis C virus, and I pay tribute to a former constituent of mine, Ed Wendt, who lost his life in the battle with hepatitis C and liver disease, a Vietnam war veteran, somebody with whom I stood in front of the Justice Department fighting against the discrimination of veterans who have hepatitis C virus. Although many of them do not know it, nearly 4 million Americans are currently infected and 35,000 new infections occur each year. HCV costs millions of dollars in health care and lost wages, and this amendment would have offered an additional $1.5 million to deal with this issue.

Hepatitis C impacts African Americans, children, and adolescents, renal dialysis patients, HIV-positive patients. We need help.

But I will not offer this amendment to continue the battle for more dollars for all Americans on all issues. Today on the floor of the House I saw a former colleague, Congresswoman Meek. Carrie Meek was a soldier on the battlefield for lupus research, and I was prepared to offer an amendment to increase the dollars for lupus because we have not determined the cause of lupus. But because of the need to spread the wealth and the need to provide resources that we do not have because the majority determined that the most vulnerable of America do not need our attention, I will not offer that amendment.

I rise to offer the impact or to emphasize the impact that we will be facing. Do my colleagues realize that we are cutting dollars from community health clinics, we are cutting dollars from training and primary care medicine and dentistry, sickle cell demonstration projects are being zeroed out, early learning opportunities programs are being zeroed out? In education, we are zeroing out comprehensive school reform, parental information and resource centers. We are zeroing out arts and education, alcohol abuse reduction; all of those are being zeroed out. And even though I will be supporting my colleagues on the Congressional Black Caucus, because we are appreciative of being able to save TRIO, we will also be standing here to say that because we believe in the mandate of the gentleman from North Carolina (Chairman WATT) for this Congress, closing the disparities gap for Americans, particularly minority Americans and African Americans, we can stand here today and say that this legislation is a travesty, for it impacts the elderly, it impacts the most vulnerable, the sickest of Americans, it impacts the youngest of Americans.

In Texas alone we will be losing some $9 billion in language acquisition in education, we will be losing $62 billion in education technology, $7 billion in assessments. We will be losing $27 billion in innovative education. We will be losing $13 billion in rural education. We will be losing another amount in special ed.

Mr. Chairman, this bill needs to go back to address the needs of the most vulnerable Americans and to close the disparities gap.

Mr. Chairman, let me first say thanks to you and the Ranking Member for your work on this bill.

Mr. Chairman, I had planned to offer two amendments but have decided to withdraw them due to existing funding cuts in the bill and the fact that there is not much room to transfer monies throughout the bill. Nevertheless, I feel it is very important to briefly discuss these amendments for they deal with two very pressing health issues (Lupus and Hepatitis-C). My first amendment, which was two fold, would have increased funding for the "Centers for Disease Control and Prevention-Disease Control, Research, and Training", by $2.5 million. The second half of this amendment would have increased funding to the "National Center on Minority Health and Health Disparities" by $1.5 million. The purpose of these funding increases would have been to increase educational programs on Lupus for health care providers and the general public. In addition, my first amendment would have sought to expand the operation of the National Lupus Patient Registry. Lupus is a chronic, disabling, and potentially fatal condition in which the immune system attacks the body's own organs and tissues. Lupus strikes primarily women and is twice as common among people of color. Currently, it is estimated that 1.5 to 2 million Americans have Lupus. There is no cure for Lupus, no new drugs have been approved to treat the disease in nearly forty years, and no valid medical measure to diagnose and track the disease's progression exists. This is a serious disease and we must focus more attention on it if we are to find a cure.

My second amendment would also have increased funding for "Centers for Disease Control and Prevention-Disease Control, Research, and Training" for the purpose of increasing Hepatitis-C research activities. Particularly at risk for Hepatitis-C are African-Americans, children and adolescents, renal dialysis patients, HIV/HCV positive patients, and patients with hemophilia. Although many of them do not know it, nearly four million Americans are currently infected, and 35,000 new infections occur each year. This insidious virus takes thousands of lives annually—primarily through cirrhosis and liver cancer. HCV costs millions of dollars in healthcare and lost wages each year, but it receives inadequate attention from the public, the medical field, and the federal government.

Hepatitis-C is an inflammation of the liver including tenderness, and sometimes permanent damage. Hepatitis-C can be caused by various viruses or by substances such as chemicals, drugs, and alcohol. Hepatitis C virus is one of six known types of the hepatitis virus. I would urge my colleagues to take a closer look at this devastating disease.

I would also like to take a moment to express my concerns with some of the many funding cuts for Title VII programs in this year's appropriations bill. While I am pleased to see that funding was provided for Minority Centers of Excellence ($12 million) and Scholarships for Disadvantaged Students ($35 million), I am disappointed that Area Health Education Centers, Health Education and Training Centers, and Health Professions Training Programs were all zeroed out. These programs have been addressing the needs of medically underserved communities in Texas since 1991 by playing a key role in providing health services and health care professionals for our most vulnerable populations. I would hope that I would be able to work with the Chairman and the Ranking Minority Member as this bill moves through conference to see if we can find some funding for these very important programs.

I am pleased to see that the Committee provided an increase over last year's funding level for Ryan White AIDS Programs. Specifically, the bill appropriates $2.1 billion for the programs, which is $10 million (2%) more than the current level but equal to the administration's request. This total includes $610 million for the emergency assistance program—which provides grants to metropolitan areas with very high numbers of AIDS cases—$1.1 billion for comprehensive-care programs, $196 million for the early-intervention program, and $73 million for the Pediatric HIV/AIDS program.

Head Start also received an increase in funding. The bill provides $6.9 billion for the program. This is $56 million more than the current level but slightly less than the administration's request. I would like to work with the Chairman and Ranking Minority Member to increase funding to the Administration's request during conference. The total for Head Start includes $5.5 billion in FY 2006 billion in advance appropriations from a prior year. The measure also includes $1.4 billion in advance FY 2007 appropriations.

Unfortunately, the bill only provides $14.7 billion for the Education for the Disadvantaged Children Program. It saddens me to say that this amount is $115 million less than the current level and $1.7 billion less than the Administration's request. I hope more funding can be provided for this important program during conference.

Before closing, I would like to express my dismay with the $100 million decrease in funding for Corporation for Public Broadcasting. A loss in CPB funding would seriously hamper PBS' ability to acquire the top quality children's educational programming that is used in classrooms, day care centers and millions of American households to educate, entertain and provide a safe harbor from the violent, commercial and crass content found in the commercial marketplace. PBS provides valuable services that improve classroom teaching and assist homeschoolers. These could be reduced or eliminated if federal funding is cut. These services include PBS TeacherSource, a service that provides pre-K through 12 educators with nearly 4,000 free lesson plans, teachers' guides, and homeschooling guidance; and PBS TeacherLine, which provides high-quality professional teacher development through more than 90 online-facilitated courses in reading, mathematics, science and technology integration. We must not cut funding for this valuable program.

Again, I thank the Chairman and the Ranking Member for their work on this bill, and I hope we can all work to further fund the programs mentioned in my statement as we move to conference.

Ms. WATSON. Mr. Speaker, I move to strike the last word.

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

Ms. WATSON. Mr. Chairman, I had two amendments that I was going to offer on the Corporation of Public Broadcasting, and they have to do with restricting funding for opening a new office that would monitor dissenting and ideological statements.

Mr. Chairman, today I am offering an amendment that will help end the partisan attacks on public broadcasting by prohibiting the funding of the new Office of Ombudsmen at the Corporation for Public Broadcasting. The creation of such office is partisan, unnecessary, and contrary to the spirit of the law that created CPB, and I strongly urge my colleagues to support this amendment.

Corporation of Public Broadcasting, CPB, Chairman, Kenneth Tomlinson, has inserted politics into our public media and has taken the public out. Recently we learned that Mr. Tomlinson secretly coordinated with a White House official to formulate ''guiding principles'' for the appointment of two partisan ombudsmen to monitor and critique all public broadcasting content. Furthermore, the ombudsmen were appointed by Tomlinson based on their purported political ideology—''one for the left and one for the right.'' These actions are in violation of the original mandate established by the Public Broadcasting Act of 1967. This historic act forbids ''political or other tests'' from being used in employee actions and prohibits interference by Federal officials over public media content. Congress intended that the CPB serve as a firewall against outside political pressures, and the creation of the ombudsmen office at the CPB clearly contradicts that spirit.

Secondly, hiring outside ombudsmen at CPB is completely unnecessary. NPR already has an in-house ombudsman. In response to the unfounded accusations of liberal bias, the PBS board recently selected an independent ombudsman that is in line with the original bill's language, which states that the ''production and acquisition of programs'' is supposed to be ''evaluated on the basis of comparative merit by panels or outside experts, representing diverse interests and perspectives appointed by the corporations.'' There is clearly no need to spend additional taxpayer's money for the monitoring of public broadcasting programming, especially through the lens of political ideology.

The amendment I am offering today simply restores what was already in place by legal precedent by prohibiting the funding of the Office of Ombudsmen at CPB. This amendment is in the spirit of the 1967 act, which forbade ''any direction, supervision, or control over the content or distribution of public telecommunications programs and services.''

The American people, in poll after poll, have judged PBS to be ''fair and balanced'' compared to network and cable television. We do not need outside operatives to intervene. Furthermore, in these times of fiscal crisis for PBS, the last thing we need is to spend taxpayers' money on partisan media police. My amendment will help return balance and objectivity to our public media, and I urge my colleagues to support this amendment.

Mr. Chairman, once again our public broadcasting system is under attack by reactionary forces inside the beltway. This time, it is suffering a two-pronged assault; one on content, one on funding, and both politically motivated.

Congressman HINCHEY and I are offering an amendment to reinforce existing law and buffer PBS from the kind of political attacks that Corporation of Public Broadcasting, CPB Chairman, Kenneth Tomlinson, has brought upon Big Bird and Elmo. Mr. Tomlinson has revealed his personal crusade to discredit and destroy public broadcasting by unjustly accusing PBS and NPR of liberal bias, and working behind the scenes to stack the CPB's board and executive offices with operatives who share his ideological views.

According to recent reports, Tomlinson is promoting Patricia Harrison, the former co-chairwoman of the Republican National Committee, to be CPB's next president. Mr. Tomlinson also secretly coordinated with a White House official to formulate ''guiding principles'' for the appointment of two partisan ombudsmen to monitor and critique all public broadcasting content. Tomlinson suppressed a public poll showing that 80 percent of Americans judge PBS to be ''fair and balanced'' compared to network and cable television. Finally, Tomlinson diverted taxpayers' money to hire a partisan researcher for a stealth study to track ''anti-Bush'' and ''anti-TOM DELAY'' comments by the guests of NOW with Bill Moyers—a move that currently is being investigated by the Inspector General.

Mr. Chairman, the law is clear on this. The Public Broadcasting Act of 1967 clearly forbids ''any direction, supervision, or control over the content or distribution of public telecommunications programs and services.'' Congress established the Corporation for Public Broadcasting to ''encourage the development of public radio and television broadcasting'' and to ''afford (public broadcasting) maximum protection from extraneous interference and control.'' Under the direction of Tomlinson, however, the CPB has engaged in a deliberate campaign to inject politics into public broadcasting.

The taxpayer-funded CPB is supposed to serve as a firewall between Washington, DC, politics and public broadcasting. Mr. Chairman, we must take the politics out of public broadcasting—and put the public back in. Our amendment will prohibit Mr. Tomlinson from exercising any direction, supervision, or control over the content or distribution of public broadcasting. It would also reaffirm the longstanding policy that public broadcasting must be free from outside interference. This is about the future of a vital public trust, a resource that is owned and enjoyed by everyone, and not allowing it to be hijacked by the nefarious agenda of a few political operatives. It is a shame that it has even come to arguing

for safeguards we used to take for granted, but the actions of Mr. Tomlinson demand it. I urge my colleagues to support our amendment.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts, and none of the funds made available in this Act may be used to carry out the rescission specified in this Act under the heading ''Corporation for Public Broadcasting'':

(1) ''Department of Labor—Employment and Training Administration—Training and Employment Services'', $58,000,000.

(2) ''Department of Labor—Departmental Management—Salaries and Expenses'', $4,640,000.

(3) ''Department of Health and Human Services—Health Resources and Services Administration—Health Resources and Services'', $2,920,000.

(4) ''Department of Education—Higher Education'', $27,000,000.

(5) ''Department of Education—Departmental Management—Program Administration'', $8,380,000.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes to be equally divided and controlled by the proponent and myself as the opponent.

The CHAIRMAN. Without objection, the amendment will be considered at this point in the reading and, without objection, the debate will be considered within the time specified.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we all know what this amendment is. It is very simple, and I will not take very much time on explain it.

We simply strike the $100 million rescission that was included in the Labor-HHS bill for the Corporation for Public Broadcasting. This restores the $100 million in funding for CPB, which distributes the majority of those funds to over 1,000 public television and radio stations nationwide, and uses the remaining funds to support national programming and public broadcasting systems.

It is offset by modest reductions in low-priority demonstration programs and administrative accounts in the Labor, Health and Human Services, and Education Department. I think those reductions will not do serious harm to any of the administrative budgets involved.

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

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the amendment offered by the gentleman from Wisconsin, and I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I am pleased to offer this amendment with the gentleman from Wisconsin (Ranking Member OBEY) and the gentleman from Iowa (Mr. LEACH).

What we have today is a new remake of an old show: the misguided effort to deny the American people the quality, thought-provoking, and insightful programming of PBS.

Ten years ago, when the right wing launched an all-out assault on public television, Americans understood what was at stake and rallied around PBS. The Republican leadership retreated, and public broadcasting was saved.

Today, the majority is again trying to pull the plug on public television and radio. This time, well over a million Americans have signed petitions calling for the restoration of CPB's operating funds, and thousands more have contacted congressional offices in opposition to these devastating cuts.

Families across the country turn to public radio and television for educational programs, job training, the latest digital services, balanced news, local information; the very types of programs and services commercial television stations simply do not offer because they just are not profitable.

Local public stations are already struggling to provide these quality programs with limited dollars. This $100 million rescission, 25 percent of CPB's operating budget, could force many stations to fade to black.

Do we want to live in a society where pop culture dictates all that is offered on the airwaves? Do we want to live in a society in which the only characters that appear on Sesame Street and other children's programs are the ones that gross the highest profits, rather than those who deliver the most compelling lessons to our kids?

We have an opportunity today to send the same strong and successful message that beat back these cuts to public broadcasting 10 years ago. I urge my colleagues to restore this critical funding to CPB by voting in favor of the Obey-Lowey-Leach amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I understand one of the objections to the Obey amendment will be that it takes money from worker training programs and community health services. But I want to state that as a child psychologist, I cannot overstate the need to make the ability of quality, wholesome media a priority for our children, and I am certainly concerned about reducing these funds that would affect children's programming, as I am sure every Member is.

In southwestern Pennsylvania, it has been the home of WQED, the first community-owned TV station, production center for many PBS programs, and also the home for Fred Rogers' programs with Mr. Rogers' Neighborhood.

It is extremely important, and I am hoping in conference, as I expect this amendment may fail, in conference the chairman may work to help restore some programming funds for public broadcasting. I believe it is important to have nonviolent, noncommercial programs, because so many other programs still have so much in there that appears to be just infomercials for children's programming.

So I ask that as this proceeds, that the chairman work in conference and in other areas to help restore some of the programming funds that would help us with such important children's programming.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Iowa (Mr. LEACH), one of the cosponsors of the amendment, and I appreciate very much his involvement in this activity.

Mr. LEACH. Mr. Chairman, I thank my distinguished friend for yielding me this time.

I would like to just take a moment to discuss what might seem esoteric, that is a definitional issue. The word ''public'' means ''of or pertaining to the whole community.''

I mention this because public broadcasting is not intended to be a reflection of the views of any government. It is not government broadcasting we are talking about; it is public broadcasting. That was made clear when Congress created this particular program that so many of Americans hear and feel every day of their lives.

Public broadcasting simply was not to be the microphone of the government. Perspectives reflected are expected to be honest and of the highest quality, hopefully reflecting a variety of views. But all governments, Republican or Democratic, all government officials, left, right and center, should expect to be criticized and find views reflected that they do not agree with. It is simply better for society to have a questioning, skeptical press and, most particularly, a skeptical, questioning public broadcasting system than one that is slavishly supportive of any perspective, especially a perspective that might be considered a government one.

Here, all of us have heard a lot of criticism of public broadcasting, particularly journalists like Bill Moyers and Dan Schorr. Let me say, I do not think either would consider themselves a card-carrying arch-conservative. But the fact of the matter is that there have probably been no journalists in the last several generations who have uplifted public discourse more than these two men. We, all of us, will not agree with anything or everything that they say, but we certainly can respect them.

Let me end for the moment with the notion that public broadcasting is about increasing the civility level of public discourse. It is also about increasing the appreciation level for the American arts. I cannot think of any publicly funded endeavor that has done more for uplifting what we consider to be the values that underpin public policy rather than simply reflect perspectives on public policy itself. I cannot think of any publicly funded endeavor that has done more to bring out the best in the American arts.

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And so I would strongly urge my colleagues to reflect that these institutions of the Public Broadcasting System deserve our respect and our support.

Mr. LEWIS of California. Mr. Chairman, it is a privilege to yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, today we are talking about deficits, debt and tight spending. We are talking about tight veterans budgets and funding our troops. But the other side of the aisle will not let us even cut from the most obvious sources. I would like to let them know, and the other Members, let them know what PBS does not want you to know, Big Bird is a billionaire.

What they do not want you to know is that the marketing rights for Sesame Street and Barney total $1.3 billion. Merchandise from PBS can be found in every toy store across America, and yet that money does not appear on the Corporation for Public Broadcasting's balance sheet. Americans should be shocked.

This is the height of absurdity, a massive corporation shielding its profits so that it can continue to feed at the Federal trough. Where is the Democratic outrage at this? If this were a Fortune 500 company, we would be hearing breathless condemnations from the other side. But there is actually more. The average household income of a listener of NPR is approximately $75,000. Guess what? This means the taxpayers are being soaked so that the affluent people can get their news commercial-free.

This debate shows that many people have truly met a government program they could not cut. Mr. Speaker, Big Bird is strong enough to fly on his own. If we cannot get this billionaire off the public trough, than I ask how can we ever hope to cut spending.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the point that is being made. I think the listening public, the interested public, should know that the Federal funding for programs like Sesame Street, the popular children's programs, frankly only 2.5 percent of that comes from the Federal Government. Indeed, the billionaire could clearly take care of that.

And one more point. For all those people who are calling our offices from San Francisco and New York and otherwise across the country, if each would just send another dollar, they would not have to bother with this; they would save that in the phone bills.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I could not agree with you more. And that exactly should be the message, that those who want to support public broadcasting should do it through their personal checkbook.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Chairman, this amendment is necessary because my friends on the other side know the cost of everything and the value of nothing. I rise in strong support of the amendment to restore funding to the Corporation for Public Broadcasting.

This is money already authorized by the Congress. Now my friends on the other side of the aisle are trying to take it away. Today's debate is laced with irony because to millions of Americans there is simply no debate over how important public broadcasting is to them and their children.

It is an educational and cultural enrichment to our whole society, and it is a success story of which we can be proud. I urge that we adopt the amendment which actually should be $200 million, instead of $100 million, because that is the amount that has been cut over here.

I urge my colleagues to adopt the amendment. I commend the authors, the gentleman from Wisconsin (Mr. OBEY), the gentlewoman from New York (Mrs. LOWEY), and the gentleman from Iowa (Mr. LEACH) for their amendment.

The amendment should not have been needed. But the House can cure the mistakes of the Appropriations Committee by adopting the amendment by an overwhelming vote. Public broadcasting is a highly valued national investment. It generates extraordinary returns for local communities across our Nation. It preserves the highest quality programming and commitment to public service.

Public broadcasting must remain not only fully funded but insulated from political pressures which are now being placed upon it. Every Democratic Member of the Committee on Energy and Commerce recently signed a letter in support of restoring full funding to the Corporation for Public Broadcasting, including funding for the digital conversion and an upgraded satellite interconnection system.

Some of these vital items remain zeroed out. But I hope we can rectify those matters later. Mr. Chairman, this important amendment values our children, and the in-depth journalism and life-long learning that sustains our democracy. I urge my colleagues to support this amendment. If we do not, we will be sorry and the Nation will disapprove of our decision.

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

Mr. Chairman, I rise to oppose this amendment. I want to point out a number of reasons, not that I dislike public broadcasting or public television; I think they do great programming. My grandchildren love Elmo and Big Bird, and Between the Lions. I like a number of the programs.

But keep in mind, that this was created at a time, what, some 30-plus years ago when we did not have the huge variety of programming that is available today. And keep in mind, of course, that we have limited amounts of money.

I know that there has been a lot of conversation out across the country and the Corporation for Public Broadcasting is involved here, and National Public Radio, they have the microphones available to reach people who are calling us. But I am not sure that those who call realize what would be eliminated if we were to adopt this amendment.

Just let me enumerate those. What this amendment does to make up the 100 million for CPB is takes $58 million out of the Department of Labor. For what purpose? Employment and training and administration, training and employment services. Takes away from young people's training opportunities. That is extremely important in today's world, where we have 32 percent of our high school graduates, not graduates, 32 percent of our high school students that do not graduate.

That is a national statistic. And we offer programs here, GEDs, training, all kinds of things to give them a chance later on as they realize their mistake in not finishing high school.

But this would take away, this amendment would take away from the Department of Labor employment and training administration services, $58 million. So that means some young man and some young woman across this Nation who suddenly realize how important it is to their future and to their country and to their community and to their family that they get additional training would not have that opportunity so that we can have public broadcasting.

Now, I point out that only 15 percent of the money that provides for the Corporation for Public Broadcasting comes from the Federal Government. And it has been pointed out that this would eliminate a number of these programs. But I would point out that Elmo and Big Bird and the Lions all make a lot of money, as was brought to our attention earlier today.

And they have opportunities to raise a lot of funds. All of us have seen the fund-raising. But we do not see fund-

raising out there to give young people a new opportunity to be retrained so that they can be employed. So let us not take that away. Another item that this would take away: the Department of Labor salaries and expenses.

We need people at the Department of Labor to manage the programs, to ensure that workers' safety is taken care of, to ensure that workers' rights are protected. We are not going to have a fund-raising program to do that, as can be the case with public broadcasting.

Third item. Takes away from the Department of Health and Human Services, health resources and services administration, health resources and services, $2.9 million.

Well, what is important to the people in this Nation is health: health research, health management; NIH. Keep in mind that the National Institutes of Health and the Centers for Disease Control are both part of the Department of Health and Human Services. We do not do fund-raising for them. But we are going to take the money away, or propose to take it away, for the public broadcasting where they have lots of opportunity to raise money in the private sector.

Fourth item that is taken away by this amendment, that would be reduced, is the Department of Education, higher education. $27 million would be taken out of the Department of Education to fund the Corporation for Public Broadcasting. We have heard a lot of discussion today how important it is to have higher education, Pell grants, not enough. We have heard other items are not enough; and yet here we are proposing, in an amendment, to take away $27 million that is vital to the future of young people in higher education programs.

Lastly, Department of Education, program administration, $8 million-plus. Someone has commented today that we originally wanted to get rid of the Department of Education. But we are not. We have a great number of programs here in the Department of Education to improve teacher quality, principals, to improve opportunity for young people, to provide, through the TRIO and through the other programs of that type, an opportunity to provide for the historically black colleges. All of this money has to be administered.

And this would take away the money to do part of that. So I want to say to all of my colleagues, I realize all that you have been getting in the way of phone calls; but I dare say that if you said to those that call you, well, if we do what you are requesting me to do, would you be willing to eliminate the Department of Labor training services; the Department of Labor management; department of Health and Human Services resources; Department of Education higher education, and so on, I suspect that, if they were given the choice, that they would say, oh, wait a minute, these are important to us. They are important to my family. They are important to my community. They are important to the young people who are my neighbors and friends.

And given the fact that the Corporation for Public Broadcasting has the ability to raise a lot of money, has the ability to fund the development of programs like Elmo and Big Bird. Go into a store, you will see a lot of these things on sale. I know that they produce a lot of profit for those that sell them.

So let me say to my colleagues today, when you cast this vote, keep in mind that you are trading off to give CPB more money, that they are very successful in raising money in the private sector; you are trading off against that all of these educational opportunities that will be limited to the tune of $100 million total.

□ 1400

Members should weigh which is more beneficial to the constituents we represent.

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

Mr. OBEY. Mr. Chairman, how much remains on both sides?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 7 minutes remaining. The gentleman from Ohio (Mr. REGULA) has 3 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Connecticut (Mr. SHAYS).

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

Mr. SHAYS. Mr. Chairman, I rise in support of the Obey-Lowey-Leach amendment.

Mr. Chairman, I rise in support of the Obey/Lowey/Leach amendment to H.R. 3010, the Labor, Health and Human Services and Education Appropriations Act of 2006.

This amendment would restore the $100 million that this bill cuts from the Corporation for Public Broadcasting, CPB.

I support CPB, NPR and PBS because they provide Americans of all ages with a broad range of valuable programmIng.

CPB helps fund local stations all across America, and if we implement these cuts, the impact on local services, community support and vital programming will be significantly damaging.

Local public broadcasting stations are leaders in education, news and information, and are attracting growing numbers of listeners as they air unique programs.

Restoring the $100 million cut will allow CPB to continue funding the important community service contributions of local public television and radio stations.

I support this amendment and encourage my colleagues to do so as well.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I cannot believe some of the comments I have just heard from my good friend, the gentleman from Ohio (Mr. REGULA).

Let me simply say with respect to the offsets we have in this amendment, with respect to the Labor Department all this does is to reduce funding for pilot and demonstrations in the department from $74 million in the committee bill to $16 million. It still leaves a significant amount of money in this account.

This is an area where the committee itself has indicated that they do not have sufficient information from the agency to even know how they are spending that money. So it seems to me that we are simply following the committee shot across the agency bow.

With respect to the Labor Department, departmental management, this essentially cuts the increase over last year for departmental management, excluding the International Labor Affairs Bureau. Large amounts of money in that department are being spent for activities that are clearly not authorized, and some procurement practices now being exercised by the agency do not meet the standards that we will want to have to defend in public.

With respect to HRSA program management, I cannot believe any objection is being made to the reduction in this account. The bill itself eliminates 11 programs in HRSA. If all of these programs are going to be eliminated, certainly there are fewer bodies that are needed to manage them, and this is simply consistent with the programmatic actions already taken by the committee.

With respect to the funds for the improvement of education, this amendment merely trims the additional funding provided in the committee over the administration's request for this item. None of these items are going to have any significant impact on the accounts involved.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me time. More importantly, I thank the chairman for bringing fiscal discipline and leadership to the appropriations process.

I rise today not so much as a Member of Congress from Indiana but as the chairman of the largest caucus in the House of Representatives. The Republican Study Committee boasts over 100 members, men and women who are committed to fiscal discipline and traditional moral values. And so when the gentleman from Ohio (Chairman REGULA) brings to the floor a Labor-HHS appropriations bill that makes the tough decisions to put our fiscal house in order, I have to rise, even on a controversial issue like Big Bird, to stand with this chairman and to thank him.

The stakes are high; $7.7 trillion is the current running money on the national debt. According to CBO, our fiscal 2004 national deficit number is $413 billion. In order to bring this bill in

and to keep discretionary spending below last year's level, this legislation literally eliminates 57 programs encompassed in this bill and asks many programs to accept up to a 50 percent cut. Asking the Corporation for Public Broadcasting that receives only 15 percent of its funding from the Federal Government to accept what amounts to a 22 percent reduction as we attempt to put our fiscal house in order is reasonable and responsible and precisely that which the American people elected the Republican majority to do.

We have no higher stewardship, no higher calling than to come onto this floor and into this Chamber and make the tough decisions. And put in the context of recognizing that the Corporation for Public Broadcasting receives 85 percent of its funding from sources beyond the Federal Government, in the context of its overall budget we are simply asking them to do with 4 percent less.

I rise in opposition to the amendment. I stand in strong conservative support of the gentleman from Ohio (Chairman Regula) and his desire to make the tough decisions and put our fiscal house in order.

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

The Acting CHAIRMAN (Mr. GILLMOR). The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Obey amendment.

Mr. Chairman, I rise in strong support of the Obey-Lowey-Leach amendment to restore funding to the Corporation for Public Broadcasting.

PBS is exceptional because it's local. Unlike the mammoth international media conglomerates that dominate commercial TV, who answer only to their shareholders, the 348 PBS stations are locally owned and operated—accountable to the local communities they serve.

The bulk of CPB funding—67 percent—goes directly to local stations, allowing them to serve their communities with the excellent and highly valued programming that is the hallmark of PBS. This cut will slice between 30–40 percent out of most stations' overall budgets.

My district in New York is served by PBS channel Thirteen/WNET. If this cut to the Corporation for Public Broadcasting is passed, Thirteen's budget would be cut by as much as $5 million. I want to be very clear about what that means for my constituents: A substantial number of local programs produced entirely out of discretionary funding would be eliminated. These are programs like New York Voices, Inside Albany, REEL New York, Women's History Month, Cantos Latinos, Harmony & Spirit: Chinese Americans in New York, Korean-American Spirit, The Irish in America, and New York Kids, outreach service programs to schools and other community partners would be completely cut, at least 40 jobs would be lost, and in addition the indirect impact of cuts would affect nation-wide programing like Great Performances, Wide Angle, and the Newshour with Jim Lehrer, and of course Sesame Street, as we've heard so much about today.

With its gold standard historical and cultural programming, PBS captures the culture and history of America. As we Americans face vast new challenges in a post-9/11 world, PBS helps us to understand who we are and where we have been—and to help us to see where we're going.

It is imperative that we restore CPB funding to ensure PBS's ability to continue to serve our country and our local communities in this vital role.

The Acting CHAIRMAN. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining. The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I think by perspective we should understand that there is no possibility all Americans can agree all the time or appreciate equally all aspects of the American arts. But what we all can do is respect honesty and quality and first amendment rights. And it is these qualities exercised in an uplifting, nondivisive way that public broadcasting symbolizes. So I again urge my colleagues to support this amendment.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. ESHOO).

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

Ms. ESHOO. Mr. Chairman, I rise in strong support of the Obey amendment.

Mr. Chairman, I rise in support of this amendment because it is our only chance to restore the $100 million that have been cut from public broadcasting.

Mr. Chairman, the cuts to the Corporation for Public Broadcasting in this bill are stunningly shortsighted.

At a time when we're all concerned about the lack of decent programming on television and radio, public broadcasting offers consistent quality.

Yet the majority is cutting 46 percent from the budget that supports the broadcast of programs like the News Hour with Jim Lehrer and National Public Radio's All Things Considered, as well as documentary programs like The American Experience.

The majority also completely eliminates the program that helps fund Sesame Street, Arthur, Between the Lions, and other broadcasts that help prepare children for school.

For parents concerned about what their children are exposed to on television, what are the alternatives to PBS's educational shows? In looking at the television section of the Washington Post, here are some of the television section of the Washington Post, here are some of the programs running opposite Sesame Street: Jerry Springer, Divorce Court, Maury, Texas Justice, Judge Hatchett, Judge Joe Brown, Family Feud, Guiding Light and General Hospital.

So why does the majority want to cut this funding? They say it's to reduce the deficit. What they are ensuring is a deficit of education, information, and analytical thinking.

Does the majority expect the American people to take their argument seriously?

Already this year the majority has rammed through a $290 billion tax cut for the country's wealthiest families and an energy bill larded with billions for oil and gas producers. None of these costs are accounted for in their budget.

And now we're going to plug the budget deficit by cutting Sesame Street?

Mr. Chairman, the argument for these cuts are ridiculous. We should reinstate the budget for public broadcasting. Vote for the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY), ranking member on the subcommittee with jurisdiction in this matter.

Mr. MARKEY. Mr. Chairman, I rise in strong support of the Obey-Lowey-Leach amendment.

To the Republicans: Keep your hands off of Big Bird. Sesame Street is balanced. Big Bird is there, but so is Oscar the Grouch to represent the Republican point of view. So every program has a balance to it.

But Ken Tomlinson, this new Republican head of the Corporation for Public Broadcasting, has decided that there is a problem with public television and he has gone out to find the problem. And when he looks in the mirror the problem is he.

We are out here today because Ken Tomlinson has now opened the floodgates of criticism for a network which in polling is recognized as the most respected network in America. And after national security, in polling decided by the American people, it is the Federal program they like most after the Defense Department. But the Republicans and Ken Tomlinson today have named the former co-chairwoman of the Republican National Committee to be the new head, the new President of the Corporation for Public Broadcasting.

So Tomlinson's answer to the absence of political balance is to name the Republican co-chair of their national committee. That is all you have to know about what the Republican Party is doing here on the House floor today.

Here is what public television is from 6 a.m. in the morning on, for 12 hours in a row: It is Zoom; it is Maya and Miguel; it is Arthur; it is the Berenstein Bears; Clifford the Big Red Dog; Dragon Tales; George Shrinks; Barney and Friends; Sesame Street. Until you hit 6 o'clock, when it is the News Hour with Jim Lehrer. It is NOVA. It is The American Experience.

They are attacking the Children's Television Network. They are turning CPB from Corporation for Public Broadcasting into Corporation for Political Boondoggle. That is the whole agenda that they have here today.

Mr. REGULA. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining. The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Florida (Ms. CORRINE BROWN).

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise in support of the Obey amendment and also the 81 percent of the American people who said the Republican-controlled Congress is out of tune with their values and this is a perfect example.

Once again, the Republicans are out of step with mainstream America. This fact is made evident in the recent CBS poll taken that showed that the Republican dominated Congress' popularity is hovering around 30 percent, an outright embarrassing figure.

Public broadcasting is extremely important, and should not be simply ignored by conservatives here in Congress. For millions of parents, public broadcasting represents a children's television network of amazing excellence and value. At a cost of just over $1 per year per person, what parents and children get from free, over-the-air public television and public radio is an incredible bargain.

Now, I say to my colleagues, we are talking about a corporation (The Corporation for Public Broadcasting or CPB) that is a taxpayer-funded agency that provides critical dollars to public broadcasting across the country, and is considered by many, if not most of America, to be a "highly reliable source of information."

I remember when I first came to Congress, and Speaker Newt Gingrich had a similar plan, which was to "zero out" public broadcasting altogether. At that time, just as they are doing now, the Republicans were claiming that there was an extreme liberal bias in the programming. And then, as now, they tried to do away with the programming, but more practical voices prevailed and the funding was eventually restored. So here once again, led by Kenneth Tomlinson, the Republican who is now chairman of the corporation, the Republican Party wants to move PBS to the right wing of the political spectrum, and at the same time streamline their funding. I say to them that, along with Representative OBEY, I emphatically will fight to have this horrific cut in funding restored, and strongly support this amendment.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members recognized for unanimous-consent requests should not embellish such requests with oratory.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous-consent request to the gentlewoman from Indiana (Ms. CARSON).

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

Ms. CARSON. Mr. Chairman, I rise in support of public broadcasting.

Mr. Chairman, the Corporation for Public Broadcasting provides an essential public service and we ought to pass this amendment to restore funding for a program that works.

This budget cut hurts our children and the least fortunate in our community the most. PBS is especially critical for low-income Americans who may not be able to send their children to preschool. For millions of Americans, PBS programs like Sesame Street and Reading Rainbow are the only educational resources available to their children. PBS programs produce the most popular videos used by American teachers in the classroom.

According to a recent poll, 82% of the public thinks money given to PBS is money well spent. But if this amendment doesn't pass, PBS affiliate WFYI in my district will lose $1 million, or ⅓ of the entire payroll for a station that reaches over a million households and 500,000 viewers every week. This is unacceptable.

But even more unacceptable is the threat this poses to the community services that WFYI provides on a daily basis to people in my district.

It provides workshops in day care centers for the most disadvantaged in Indiana.

For millions of Americans, PBS programs like Sesame Street and Reading Rainbow are the only educational resources available to their chIldren at home.

But WFYI also helps prepare low-income pre-schoolers for the first grade.

My hometown station sponsors over 400 volunteers who read to more than 2,000 Hoosiers who can't see the printed word. And there's much, much more.

Mr. Chairman, this station is not the exception. It is the norm. These services are the most threatened by this budget cut. No other broadcaster will ever offer the same level of community service that public television provides.

Let us pass the Obey amendment and restore full funding for public broadcasting.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I enthusiastically support the Obey amendment to restore PBS funds.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin, Mr. OBEY, that seeks to prevent the use of funds in H.R. 3020 to carry out the recission of the "Corporation for Public Broadcasting." This recission would have amounted to a 45 percent cut to local Public Radio and Television stations in FY 2006.

Under the legislation as drafted, rural stations and those serving minority populations would suffer greatly with respect to their operating budget. The grants that fall under the account affected comprise anywhere from 15 to 85 percent of their budgets. Most stations would be forced to layoff employees, to shut down local production—which would include local public affairs programs—and to cut back on local outreach. Mr. Chairman, public television is the backbone of mass media communications for most of the minority population—which includes in large part, our children who need guidance and education.

In Houston, to be specific, KUHF–FM would have suffered a cut of 46.4 percent or $228,197 of its funding. Similarly, KUHT–TV would have suffered a 44.4 percent or $679,049 cut of its funding. These amounts translate to severe loss in operating budget for these stations.

Relative to the State of Texas, over $6,263,296 or 42.8 percent of its funding would have been cut under the bill as drafted.

For the reasons stated above, Mr. Chairman, I fully support the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

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

I am a little tired, frankly, about hearing how wealthy Big Bird is. Your own witnesses here indicate that a very small amount of the money that we are talking about here goes to Sesame Street and Big Bird.

The money goes where you are cutting: the infrastructure. Big Bird will be around, but many small stations will not. We will lose the ability to create more "Big Birds" in the future. And it may well be to the point that as you slowly starve the infrastructure for public broadcasting, that the only way Big Bird will be watched is on a commercial station, on a cable station with commercials on it.

But where are we going to provide the other educational elements? Already there are a whole range of items here that you are ignoring, and you are undermining the fabric of that public station infrastructure that allows it to be seen in the first place.

Ask your local stations about the impact of what you are doing to their ability for people to be able to watch this quality programming.

Mr. OBEY. Mr. Chairman, how much time remains on each side?

The Acting CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 1½ minutes remaining. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Obey amendment.

Mr. Chairman, now we've heard it all. The Majority in the House has attacked the poor and the sick with their cuts to Medicaid; they have given away billions of dollars in tax breaks to corporations and the rich, and now they want to string up Big Bird.

The Drastic cuts that this bill will inflict on the Corporation for Public Broadcasting are dangerous to our freethinking and diverse society. Public Broadcasting provides a forum for groups who otherwise would not be heard and provides underserved areas with quality programming.

It helps to teach our children with the best educational programs on television like Sesame Street and Arthur. These shows not only help our children learn, but also motivate them to turn off the TV and pick up a book to read about their favorite characters featured on these shows.

Publc broadcasting is a favorite source for reliable information for Americans. Shows like Now and The Newshour are trusted by Americans to give them the straight story about current events in our world. By cutting funding to the Corporation for Public Broadcasting we are attacking our strongest source of unbiased, diverse, and cultured programming available.

These proposed cuts are just another step in the Bush Administration's agenda to dismantle Public Broadcasting and silence one of the last objective voices in American media. The President's recent attempts to politicize PBS by bringing in a partisan activist to be President of the Corporation for Public Broadcasting are shameful.

I urge my colleagues to support the Obey amendment to restore the funding it needs and protect the Corporation for Public Broadcasting as a powerful voice of the people.

Mr. OBEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Chairman, I rise in very strong support of this amendment in support of public broadcasting.

Mr. Chairman, I rise today in support of the Obey-Lowey-Leach Amendment that would recoup full funding for the Corporation of Public Broadcasting for Fiscal Year 2006 because it will maintain the highest quality programming available to the American people today.

The Labor-HHS Appropriations Act before us today will eliminate $100 million in Federal funding for the CPB.

This bill will eliminate existing funding earmarked for interconnecting local stations and the transition to digital broadcasting—both necessary modernizations to carry public broadcasting through this century. Money to fund these improvements will be taken from general operating expenses, further limiting public broadcasters' resources.

Public broadcasting provides unique programming not found on major broadcast stations or cable television. Its programming aims to increase awareness, provide multiple viewpoints, treat complex social issues completely, and provide objective forums for deliberation. Public broadcasting serves no partisan master.

It is the most ''fair and balanced'' programming available. Its listening audience, polls have shown, is ⅓ liberal, ⅓ conservative, and ⅓ middle of the road politically.

Newt Gingrich tried to zero out public broadcasting subsidies 10 years ago. He acknowledged before an audience recently an ironic evolution. He listens to NPR every morning now as he drives to work.

While most television programming provides few outlets targeted and appropriate for young children, public broadcasting offers families unparalleled excellence and value. Whether it is Sesame Street or Reading Rainbow, public programs have taught generations of children practical grammatical and arithmetic skills while expanding their imagination and creativity. At a cost of just over $1 per year per person, what parents and children get from free, over-the-air public television and public radio is an incredible bargain and a national asset.

In Arlington, WETA, an invaluable FM and television station that serves us in Northern Virginia and Washington, DC, estimates that the proposed cuts will result in the loss of $1.6 million. Like most stations, WETA operates on a limited budget and the magnitude of this cut threatens the cancellation of programming such as ''Talk of the Nation'', ''Seasame Street'' or ''Marketplace.'' I'm even more afraid for rural radio and television stations that are even more reliant on public funding.

America won't accept a cut in these services. The harm they would do to children's education and the marketplace of ideas outweighs what little effect these cuts would have in the reduction of government spending. The Ameircan people understand we have a robust economy today. These cuts in programming are to pay for the tax cuts we've enacted over the last 5 years for the wealthiest among us.

If anything, we demand an expansion of public broadcasting. We want more programming that promotes detail, diversity, and balance. We need programs that take creative risks to engage the public in thoughtful discourse.

I urge my colleagues to support the Obey-Lowey-Leach Amendment and restore funding for the CPB. Do it for your own children.

Mr. OBEY. Mr. Chairman, I know the gentleman from Ohio (Mr. REGULA) has the right to close. How much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 1½ minutes remaining.

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

Mr. Chairman, let me say the choice before the House is simple. I think the American people recognize that public television and public radio are both national treasures. I think also that we all recognize that there has been a systematic attack on both for quite some time.

What is before us today is a very simple choice. We can either stand with those who are determined to see to it that public radio and public television continue to function reasonably effectively, or we can take an action today which will gut the ability of many of the stations to continue to produce quality programming and meet the needs of local areas.

□ 1415

Some objection has been raised to the offsets. The fact is, under the budget resolution, tough choices are required. You cannot get the offsets out of thin air. These offsets do as little damage to management accounts as is humanly possible. If anyone does not like the offsets involved, then I would suggest they amend the budget resolution so that we do not have to provide them.

But the choice is very simply: Are you going to support public broadcasting or are you not? And the vote will tell the tale.

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

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

Mr. Chairman, let me say, reiterate, I am a fan of public broadcasting and public radio; and, of course, my family members like Elmo and Big Bird and Between the Lions.

I do not have a closed mind on this subject. I am sure it will come up in conference in making agreement with the other body; but let me say to my colleagues, right now you are choosing between public television, and we provided $300 million in the bill, keep in mind there. We are not taking it all away. There is $300 million there. This is only 25 percent of this that we are talking about.

On the other side of the scales, you are going to hurt employment and training for young people. You are going to hurt the Department of Labor. You are going to hurt the Department of Health and Human Services that provides the Centers for Disease Control, that provides the National Institutes of Health on health research. You are going to hurt the Department of Education and their higher education programs and their departmental management.

I think when we put it on the scale, on one side is public television, we are giving them $300 million in this bill. They have the capacity to raise a lot of money in the public sector. On the other side of the scale are young people that need an opportunity for job retraining, that need an opportunity to participate in the American Dream. Those Departments have no ability to go out and raise money as does the Corporation for Public Broadcasting.

I urge my colleagues to vote against this amendment. It is not the last word on this subject, but understand the trade-offs that I think are very damaging to young people and their opportunities in terms of higher education and job retraining.

Mr. HOLT. Mr. Chairman, I rise today in support of the Obey-Lowey-Leach amendment, which restores the full, previously appropriated level of funding to the Corporation for Public Broadcasting, or CPB. As someone who has contributed personally to both NPR and PBS, the committee's scant proposal for CPB funding comes as a supreme disappointment.

Public television and radio stations are locally controlled. The primary mission of the Corporation for Public Broadcasting is to enable those local stations to remain independent and free of advertising by providing a guaranteed, content-independent source of funding. For this reason, the Corporation's funding is set 2 years in advance. Mr. Chairman, I hope my colleagues can keep that in mind: the funding that the Obey-Lowey-Leach amendment seeks to restore has already been passed. In 2003, I voted along with 241 of my colleagues to appropriate $400 million for the Corporation for Public Broadcasting in fiscal year 2006. That the committee now seeks to override the will of the whole House is simply unfair to the stations and their viewers.

Each week, more than 80 million people watch PBS. Without even counting the 30 million who listen to NPR during that same period, that's a minimum of 80 million Americans who ask us each week to support this amendment. They may not leave their family rooms,

they may not pick up the phone, but make no mistake: they're voting with their remote controls. Each and every week, they're telling us how they feel.

Opponents of CPB funding regularly claim that Federal funding cuts will have no significant effect on public programming, and that public television can easily absorb any funding cut. But look at the facts: the Corporation for Public Broadcasting provides critical, irreplaceable support to some of public television's most popular programs. Had the proposed funding cuts been enacted for the current year, they would have caused a 20 percent drop in funding for Reading Rainbow. A 20 percent drop in funding for Sesame Street. A 54 percent drop in funding for Mister Rogers. A 27 percent drop in funding for NOVA, and a 27 percent drop in funding for the NewsHour, to which millions turn each night for balanced news coverage. And opponents call that "no significant effect"?

Under the No Child Left Behind Act, Congress established two public television programs designed to facilitate education and learning: Ready to Learn, and Ready to Teach. Together, these two programs requested a total of $49 million for the coming budget year, which they would use to support educational programming like Sesame Street, Reading Rainbow, and Clifford the Big Red Dog. Rather than meet their request, the Appropriations Committee chose to rescind all 2006 funding from each of these programs, which we established just 3 years ago.

Mr. Chairman, these cuts are unwise. Entire generations of children have grown up watching Big Bird and Snuffleupagus; entire generations have learned to love books while reading along with LeVar Burton; entire generations have been taught to follow their dreams by Mister Fred Rogers and his characters. In an age when more and more children are spending more and more time in front of the television, public TV is one of the very last cuts we can afford to make. For that reason, Mr. Chairman, and for all the reasons above, I urge my colleagues to support the Obey-Lowey-Leach amendment, and to restore full funding to the CPB.

Mr. TOWNS. Mr. Chairman, I rise today in absolute opposition to the proposed appropriation cuts to the Corporation for Public Broadcasting.

The CPB has been funding, great American treasures including PBS and National Public Radio, free of political influence or favoritism. These entities have become staples of society and to cut or diminish their badly needed funding is plainly, wrong.

Mr. Chairman, during a time in which this body claims to be the saviors of family values, I find it odd that it chooses to undermine public broadcasting, which truly embodies family values and clean programming.

The television and radio can be a precarious place for young and impressionable minds.

Much of what is sent over the airwaves is unsafe for the development children. The excessive violence and sex that is often found on TV is alarming to parents who are constantly looking for a viable alternative to the negative influences prevalent on television.

Mr. Speaker, PBS has been that oasis and refugee for families. Its educational and wholesome programming allows parents and children alike, to watch shows that place an emphasis on the positive aspects of American culture. Too often modern entertainers glorify the worst of our society and it is imperative that we counter that influence with the positive shows found on PBS and NPR.

I urge my colleagues here today to rise up in support of CPB, wholesome broadcasting and family values by rejecting these cuts to CPB.

Mr. CLEAVER. Mr. Chairman, for years, the Corporation for Public Broadcasting has provided countless Americans of all ages with high-quality, innovative programming.

But today, House Republicans have renewed their efforts against public broadcasting by reducing funding to the Corporation for Public Broadcasting by $100 million. That is a 25 percent reduction in funding and would have a devastating effect on public television and public radio. If enacted, public broadcasting stations in Kansas City, Missouri serving my Congressional District would stand to lose over half a million dollars.

As a former radio talk show host on KCUR, the Kansas City affiliate of National Public Radio, I understand the importance of public broadcasting. These days, commercial television and radio provides us with more information about the runaway bride than the runaway budget, and more about the Desperate Housewives than the desperate lives of those whose Medicaid has been cut. Public broadcasting has, for over 40 years, provided the American people with the type of excellent educational, cultural and news programming that is rarely found on television. Whose children didn't grow up watching Big Bird, Arthur, or Clifford?

We cannot afford to lose this important national resource. So today, I will vote in favor of the Obey-Lowey-Leach amendment to restore the $100 million that was cut from public broadcasting. I urge my colleagues to do the same.

Ms. BORDALLO. Mr. Chairman, I rise today in strong support of the Obey-Lowey-Leach amendment to H.R. 3010. This amendment would restore $100 million that was cut from the Corporation for Public Broadcasting in subcommittee earlier this month. Public broadcasting is important for small communities across the country, even all the way out in the U.S. Territory of Guam. Small public broadcasting stations like KGTF Channel 12 in Guam are an important avenue for expression of local identity and community discussion.

I am particularly concerned that the proposed cuts to the Corporation for Public Broadcasting (CPB) may disproportionately affect the CPB's commitment to quality programming for minority communities through the National Minority Consortia. For example, Pacific Islanders in Communications (PIC), which primarily receives its funding from CPB, develops Pacific Island media content and talent that leads to a deeper understanding of Pacific Island history, culture, and contemporary issues. Without continued funding from CPB, PIC would be unable to produce meaningful programs like Dances of Life or The Meaning of Food that have given indigenous communities in the Pacific a voice in our national conversation on race and culture. This August, PIC will be conducting a filmmaking workshop in Guam to build a greater capacity for cultural expression in the video medium.

As KGTF celebrates its 35th year broadcasting in Guam, I hope to be able to tell them that the future looks bright for public broadcasting and that Congress is appreciative and supportive of their excellent work. I strongly urge my colleagues to support this amendment and restore funding to the Corporation for Public Broadcasting.

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

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

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

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

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so to try to report to the House what is happening with respect to a unanimous consent request.

The gentleman from Ohio (Chairman REGULA) announced to the House earlier, and I concurred, that we are trying to make an attempt to get the House out today. We indicated that would require a lot of cooperation from both sides.

I think everyone understands how this bill is going to wind up. Much as I detest this bill and will vote against it, it is not going to be changed very much between now and the time it finally reaches final passage. No amount of fixing can fix this bill, in my view, because of the inadequate allocation.

The problem we have is that despite the gentleman from Ohio's (Mr. REGULA) best efforts and my best efforts and that of our staffs, at this point, there are still some 20 Republican amendments that people seem to be hell-bent on offering, and there are approximately 27 Democratic amendments that people seem to be hell-bent on offering.

If all of those amendments are offered, we will have to have at least 6½ hours of debate time. In order to finish today, because of events beyond our control, we have to be finished with debating by 4:30. Obviously, unless we get a much greater sense of give, not only will we be here tomorrow, we will be here a long time tomorrow.

So if Members are serious about wanting to get out today, it would be nice if they recognized that that means that we cannot dispose of 47 amendments in 2 hours.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

The gentleman from Wisconsin (Mr. OBEY) makes it very clear. We are trying to eliminate some potential amendments with colloquies, and I hope that some of the Members will consider withdrawing their amendments.

We are making a real effort to try to finish it today; and with cooperation of all the Members, I think this can be accomplished. As the gentleman from Wisconsin (Mr. OBEY) points out, I do

not think the bill will be changed much in the final analysis by whatever amount of discussion we have.

AMENDMENT OFFERED BY MR. FOSSELLA

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

The Clerk read as follows:

Amendment offered by Mr. FOSSELLA:

Page 10, strike lines 3 through 7, and insert the following:

WORKERS COMPENSATION PROGRAMS

Of the amounts made available under this heading in chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), $50,000,000 shall be available for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and $75,000,000 shall be made available upon enactment of this Act for purposes related to the September 11, 2001 terrorist attacks, with priority given to administer baseline and follow-up screening and clinical examinations and long-term health monitoring, analysis, and treatment for emergency services personnel and rescue and recovery personnel: *Provided,* That such amounts are each designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. FOSSELLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. REGULA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 15 minutes to be equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

The Acting CHAIRMAN. The gentleman from New York (Mr. FOSSELLA) is recognized for 7½ minutes.

Mr. FOSSELLA. Mr. Chairman, I yield myself 2 minutes.

First, I want to thank the gentleman from Ohio (Chairman REGULA) for not only the great work he does but also entertaining this, allowing us to submit this amendment and engaging in a colloquy.

We all know that September 11, 2001, was many things. It was the worst attack in our country's history. It was a devastating loss. Almost 3,000 individuals lost their lives. We are still recovering from the ravages of what happened on that day; and after that, bringing America together, Congress, along with the President of the United States, committed itself to New York. This has been appreciated.

But sadly, what has happened is for many people who rushed into Ground Zero selflessly, not thinking of themselves or their well-being, in an effort to rescue others who could have been victim to that dreadful attack, they became the heroes of our time. What has happened is many of those individuals who were injured immediately have been dealt with, whether it is worker's compensation or providing for their health care; but there is that segment of the population, those heroes, thousands of them perhaps, who rushed into Ground Zero who are now discovering the health effects of having to give almost their lives to rescue others.

We also know that it could be weeks, months, or years before some of these side effects show up, perhaps a respiratory problem, perhaps leg or arm injuries, that will only get worse over time.

What we intend to do today is to seek the restoration of $125 million to this appropriations budget. We believe, in a bipartisan way, that 9/11 is not over. Many, many people who thought nothing about giving of themselves for the sake of their fellow man are now just coming to learn that they may need our help.

Congress, rightly, responded to say to New York, we will be there to help; we will continue in our efforts to ensure that happens. It is imperative that this at least $125 million be restored, that the rescission that occurred be undone; and it is, I think, paramount that we stand united to show and to demonstrate to anybody who rushed into those burning buildings on 9/11, that this country will not forget the heroics, will not forget their efforts, and we will stand with them as long as they need our help.

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

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

We understand the importance of this, and originally we provided, that is, the government, the Federal Government, $175 million for this purpose; but only a limited amount of that has been spent in the last 2½ years, to be exact, $51 million out of the $175 million. In 2003, $44 million; in 2004, $6 million; in 2005, no money.

So what we are proposing is to rescind this and urging that it be reappropriated as the needs arise to meet whatever challenges. I think there is a problem a little bit in the language in that the money cannot really address the needs that are out there, and this is why a reappropriation or reauthorization would make it possible.

I think all of us are in agreement that we want to provide the money. It is just that the mechanics of it and doing that are not appropriate at this point.

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

Mr. FOSSELLA. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), my colleague.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me time, and I thank him and the gentleman from New York (Mr. WALSH) for their commitment and work on restoring these moneys; and I thank the gentleman from Ohio (Chairman REGULA) for agreeing to this colloquy. I know that the rescission of 9/11 funds was not the gentleman's idea and that he has been put into a difficult position with OMB; but we sincerely appreciate the gentleman's help.

I would also like to thank the gentleman from California (Chairman LEWIS) and, of course, the gentleman from Wisconsin (Ranking Member OBEY), and all of my colleagues on both sides of the aisle who responded with great commitment in helping New York City with the recovery.

Finally, I need to mention the names of some of the rescue workers who have come here today to Washington to put a human face on those who selflessly gave of themselves on 9/11 and still need our help. They are here with us today in the gallery. They are Marvin Bethea; John Feal; Mike McCormack, the rescue worker who literally found the flag on 9/11; John Sferarzo; Scott Shields; and Ron Vega. These men responded selflessly to the largest emergency of our time. They risked their lives to save others; and, today, they are first responders once again, but this time to save the health and compensation aid needed for their fellow workers at Ground Zero. They should be proud of the progress that we are making here today, but there is still much more that needs to be done.

It has been reported that 10 times the claims have been turned down by worker's compensation in New York State, and there is no question that there are still many workers who need health aid. Many of them are literally here today trying to speak with my colleagues on both sides of the aisle about their need.

I think it is absolutely an insult not only to the 9/11 workers but to all emergency aid workers to deny them the aid and compensation that they need, especially those that were hurt on 9/11.

We are asking for this money to be restored. It was allocated. It was part of the commitment this country made to helping New York and its workers and its people recover, and I will say that the New York delegation is totally united on this in our effort to preserve this money for the rescue workers and volunteers.

Again, we thank all for their commitment and hard work.

Mr. FOSSELLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from upstate New York (Mr. WALSH), who has really led the effort to secure the funding for New York since 9/11.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding time to me and for his leadership on this really, really emotional and important issue for our State and our Nation.

In the ensuing Federal action, we provided almost $21 billion to rebuild New York City and to rebuild the lives of these individuals. Less than $1 billion is going toward the health and well-being of human beings. All the other $20 billion went to rebuild the city. Of that, we are now being asked to rescind $125 million that was not spent on worker's compensation claims.

Today, I also met with some of these individuals. Some of them are sick. They have mental health problems. They have physical health problems. Some of them have no health insurance. We need to find a way, and I appreciate the gentleman from Ohio's (Chairman REGULA) statement about finding a way, because we do want this money to be spent. We do not want to leave any soldiers on the battlefield. We do not want to leave any wounds unhealed.

So with the gentleman from Ohio's (Mr. REGULA) help as we go forward, I think we can find a way to get this resolved, and I thank the gentleman.

□ 1430

Mr. FOSSELLA. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

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

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding, and I thank my colleagues for their commitment and work on restoring these monies. None of us could have imagined that we would find ourselves here today, fighting to hold onto $125 million set aside for workers and responders who helped search for survivors and assist victims in the aftermath of September 11.

In my judgment, the committee's rescission of $125 million appropriated by Congress for New York State workers' compensation claims and related expenses breaks the President's promise to New York. The Office of Budget and Management has argued that these funds are no longer needed, but nothing could be further from the truth. What we do know is that the health needs of September 11 responders continue to be great and the Federal response continues to be incomplete. There have been ongoing concerns about the injuries and chronic illnesses sustained by first responders and other individuals who work or volunteered at the site in the weeks and months following the attack. The men and women were exposed to toxic materials, included asbestos, fiberglass, PCBs; and many may not even exhibit symptoms of sickness for years to come.

We simply cannot rescind the funds to assist those victims before we even review the full needs of September 11.

I rise in support of the Maloney amendment and thank my colleague from New York for her leadership on this issue.

When President Bush stood on the rubble of the World Trade Center, and when he sat in the Oval Office with New York's Congressional delegation almost four years ago, no one doubted his promise to give our State and city the funds we needed to recover from the terrorist attack on our Nation.

None of us could have imagined that we would find ourselves here today, fighting to hold onto $125 million set aside for workers and responders who helped search for survivors and assist victims in the aftermath of September 11.

In my judgment, this Committee's rescission of $125 million appropriated by Congress for New York State Worker's Compensation claims and related expenses breaks the President's promise to New York.

The Office of Budget and Management has argued that these funds are no longer needed, but nothing could be farther from the truth.

What we do know is that the health needs of September 11th responders continue to be great, and the federal response continues to be incomplete.

Since September 11, there have been ongoing concerns about the injuries and chronic illnesses sustained by first responders and other individuals who worked or volunteered at the site in the weeks and months following the attack.

These men and women were exposed to toxic materials, including asbestos, fiberglass, and PCBs, and many may not even exhibit symptoms or sickness for years to come. We simply cannot rescind the funds to assist those victims before we even review the full needs of September 11 responders.

If any of these funds are not needed for workers compensation payments, then we should redirect the money to supplement the federal response to the ongoing medical needs of September 11th responders.

When New York needed help, volunteers from New Jersey, Connecticut, Massachusetts, Ohio, and even as far as Florida and California—and the list goes on—came to aid the victims of this tragic attack. I hope you will join me in fighting to preserve the funds to assist these individuals should they become ill as a result of their efforts in the aftermath of September 11th.

I urge my colleagues to support this amendment.

Mr. FOSSELLA. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, the World Trade Center was in my district. I have dealt with hundreds of first responders who responded. The majority of all the first responders have now come down with respiratory ailments, and yet the State has betrayed them and we are betraying them because the insurance company that handles workers' comp has contested the worker comp claims at a rate of 10 times the normal rate of contest. And now we are going to rescind the money?

We have a hero who testified at a hearing last week that he got awards for rescuing people, and then at the workers' comp hearing, they said he was not even there.

The fact is thousands of people have come down with illnesses. Thousands more probably will. It would be the height of hypocrisy to rescind these funds and not have these funds available for the medical treatment of these people whom we know are sick. And, unfortunately, we know more will get sick, and the funds to treat those already sick are not there. I urge adoption of this amendment.

Mr. FOSSELLA. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I rise in full and strong support of this amendment. I agree with the comments of colleagues in support of this amendment. I know that our great chairman is working very diligently and hard to make sure that what I consider to be a mistake does not indeed happen. I think we all need to focus on a number of points.

One of those points is this was decided by somebody at OMB in an effort to do a good thing, which was try to save some money; but it was not well-thought-out. It overturns the intent of this body and the intent of the other body a couple of years ago. We ought not let that process continue.

This is not just about New Yorkers. This is about all of us. This is about the commitments we make. There were 40,000 volunteers who went to the site. They were from all over the Nation. We need to honor that commitment.

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

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

Mr. REGULA. I yield to the gentleman from New York.

Mr. FOSSELLA. Mr. Chairman, I understanding we are in tight fiscal times. However, given the circumstances the workers face, will you work with me and my New York colleagues and others as we move towards conference and think creatively on this issue and work with the administration to attempt to find a restoration of this much-needed funding?

Mr. REGULA. Mr. Chairman, I appreciate the gentleman's comments and recognize this is a legitimate and important issue that needs to be addressed. The brave people who responded to the attacks on September 11 will always be remembered in the hearts of Americans, and I recognize that they need additional help.

While there is concern about the dormancy of this funding over the last few years, and questions over whether or not the needs match the available funding, I am pleased to hear that the State of New York plans on starting an actuarial review to determine just how much money is needed to address the problem.

In light of the gentleman's comments today, I will work with the gentleman, the administration, and the other body in an attempt to find ways of addressing these workers' needs as the bill moves forward.

Over the long term, I look forward to examining the needs of 9/11 responders in light of the actuarial review results, and working with the gentleman from New York (Mr. FOSSELLA) and colleagues from New York State to maintain Congress' commitment to these heroes.

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

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

Mr. FOSSELLA. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. GILLMOR). Is there objection to the request of the gentleman from New York?

There was no objection.

The Acting CHAIRMAN. The amendment is withdrawn.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

In order to avoid offering an amendment, I rise today to engage the chairman in a colloquy to discuss funding for the Healthy Communities Access Program, HCAP. HCAP funds the development of community-wide health care networks which organize and coordinate care for low-income and uninsured individuals. Through shared resources, HCAP networks help improve health care access, reduce emergency room use, and save a lot of money. HCAP is a flexible, bottoms-up approach that can be tailored to meet a community's unique needs. Without a coordinated community-based approach, the uninsured simply end up in the emergency room or go without care. Both results add to our growing health care crisis.

Since 2000, HCAP has leveraged $6 in the community for every $1 in Federal grant funds, and has saved $1.9 billion annually through increased efficiency in health care systems. It has provided access to health care for 6.2 million more uninsured and vulnerable people.

Five communities in my State of Tennessee have won HCAP grants since 2000, and I have worked closely with one of our current grantees, the Medical Foundation of Chattanooga. The HCAP coalition partners in Chattanooga have used this small investment to serve the uninsured.

While I understand well this year's budgetary constraints, I strongly believe programs like HCAP are providing essential support for improving access to care, reducing cost to the Federal Government, and making communities more self-sustaining. The HCAP program embodies exactly the kind of innovative approach to health care access and cost we must address across the Nation.

I ask the chairman to continue to work with me throughout the process to ensure this program can continue.

Mr. GENE GREEN of Texas. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from Tennessee for yielding and thank him for his work on the Committee on Appropriations to restore the HCAP funding.

The subcommittee has worked wonders with the allocation you have been given, and I know you are supportive of the HCAP program and have seen the tremendous outcomes achieved in communities with HCAP funding.

In Houston, we have utilized CAP funding to put together the necessary collaboratives to help solve our health care access problems. Unfortunately, this bill completely eliminates the CAP program at a time when the level of uninsured individuals in this country has reached 45 million and growing.

We know all too well that now is not the time to limit access to primary and preventive health care services in our community. Without this health care access, our uninsured constituents tend to seek health care from our hospital emergency rooms where costs are skyrocketing and beds are scarce.

In Harris County, 57 percent of diagnoses in our safety net hospital ERs could be treated in a primary care clinic. With HCAP funds, communities can shepherd folks to the appropriate health care home and put together the partnerships needed to develop additional community health centers for all of our uninsured.

This is truly a case where an ounce of prevention is worth a pound of cure. I appreciate the willingness of the chairman to work with us on this issue, and hopefully we can restore the funding on this worthy program in conference.

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

Mr. WAMP. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I know that many Members support the Healthy Communities Access Program. I have seen an HCAP program in Ohio that seemed to work very well.

The President's budget proposed to terminate HCAP; and given Members' interest in other programs that were not funded in the budget, we felt we had to accept the President's proposal to restore others, like the pediatric GME program. And, of course, we increased the community health centers programs.

I will certainly try to work with our Senate colleagues to provide some funding for the HCAP in conference.

Mr. POE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy, and I appreciate the tough spending decisions the gentleman has had to make on this bill. I intended to offer two amendments in the Labor-HHS-Education appropriation bill because I am concerned about the money that is being spent the wrong way by the National Institutes of Health and the Centers for Disease Control.

At the NIH, the Institute of Child Health and Human Development has been commissioned by Congress to promote research to improve and save kids lives in the areas of Down syndrome, autism, vaccination, birth defects and infectious disease; but they are spending money in other nonresearch ways.

Since 1997, the NIH has been spending up to $175,000 a year to operate the Milk Matters Campaign, which was first created in the 1990s. The campaign features Bo Vine, the spokescow. This is a drawing of Bo Vine the spokescow. Also, money is spent not on research for disease but on coloring books. Here is one that the taxpayers fund called ''Milk Matters'' with Buddy the Brush.

Taxpayers fund these programs, but the money authorized by Congress was to go for research in these two areas. Some say it is not much money, but we need to keep Bo Vine the spokescow from becoming a herd and stampeding through the trough of taxpayer money.

Every year Congress is lobbied to increase funding for live-saving programs at the National Institutes of Health, and every year we are presented with a plea that more money is needed for research. So the money Congress takes from the taxpayers of America should be spent on saving lives and not on Web games and Bo Vine the cow.

Also in this bill is funding for a program at the Center For Disease Research. It is called the VERB youth activity program to Federal fund things like basketball games. This program's authorization has expired and the President has asked for the program to be terminated; yet today we are funding this program with $11.2 million of taxpayer money. The Centers for Disease Control is asking for more money for life-saving research, yet they are spending money on programs that are not authorized anymore.

Mr. Chairman, would the gentleman be willing to work with me and other fiscally responsible colleagues to protect taxpayer money from wasteful spending at the NIH and the CDC, and work with us to ensure that NIH and the CDC spend the money in the way it is appropriated in fiscal year 2006?

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

Mr. POE. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I do not think the gentleman is questioning the value of milk as a healthy food, but maybe the way it is being sold.

I look forward to working with the gentleman as we head into conference. We do not want these things to happen either.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2006, through June 30, 2007, and of which $100,000,000 is available for the period

October 1, 2006, through June 30, 2009, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in division G of Public Law 108–7 to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998, $20,000,000 is rescinded.

Of the funds provided under this heading in division B of Public Law 107–117, $5,000,000 is rescinded.

Of the funds provided under this heading in division F of Public Law 108–447 for Community-Based Job Training Grants, $125,000,000 is rescinded.

The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998 until such time as legislation reauthorizing the Act is enacted.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $436,678,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151 (b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $966,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $130,985,000, together with not to exceed $3,299,381,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980 and including $10,000,000 which may be used to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries in one-stop career centers), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2006, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2008; of which $130,985,000, together with not to exceed $672,700,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2006, through June 30, 2007, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2006 is projected by the Department of Labor to exceed 2,984,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

In addition to amounts made available above, and subject to the same terms and conditions, $10,000,000 to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries in one-stop career centers, and $30,000,000 to prevent and detect fraudulent unemployment benefits claims filed using personal information stolen from unsuspecting workers: *Provided*, That not later than 180 days following the end of fiscal year 2006, the Secretary shall provide a report to the Congress which includes:

(1) the amount spent for in-person reemployment and eligibility assessments of UI beneficiaries in One-Stop Career Centers, as well as funds made available and expended to prevent and detect fraudulent claims for unemployment benefits filed using workers' stolen personal information;

(2) the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments, actions taken as a result of individuals not appearing for an assessment (e.g., benefits terminated), results of assessments (e.g., referred to reemployment services, found in compliance with program requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment; and

(3) the estimated number of UI benefit claims filed using stolen identification that are discovered at the time of initial filing, with an estimate of the resulting savings; and the estimated number of ID theft-related continued claims stopped, with an estimate of the amount paid on such fraudulent claims and an estimate of the resulting savings from their termination.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2007, $465,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $118,123,000, together with not to exceed $87,988,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That not to exceed $3,000,000 shall be available for contracts that are not competitively bid.

WORKERS COMPENSATION PROGRAMS

(RESCISSION)

Of the funds provided under this heading in the Emergency Supplemental Act, 2002 (Public Law 107–117, division B), $120,000,000 is rescinded.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $137,000,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2006, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2006 shall be available for obligations for administrative expenses in excess of $296,977,728: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $414,284,000, together with $2,048,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by

section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $237,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2005, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2006: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $45,001,000 shall be made available to the Secretary as follows:

(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $13,305,000;

(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $18,454,000;

(3) for periodic roll management and medical review, $13,242,000; and

(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, (the ''Act''), $232,250,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2007, $74,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $96,081,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2006 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2006 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2006 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $33,050,000 for transfer to the Employment Standards Administration ''Salaries and Expenses''; $24,239,000 for transfer to Departmental Management, ''Salaries and Expenses''; $344,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $477,199,000, including not to exceed $92,013,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2006, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2006, to September 30, 2007, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.

□ 1445

AMENDMENT NO. 22 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. GILLMOR). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. PETERSON of Pennsylvania:

Page 16, line 4, insert after the dollar amount the following: ''(reduced by $37,336,000)''.

Page 25, line 16, insert after the dollar amount the following: ''(increased by $37,336,000)''.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 15 minutes to be divided equally and controlled by the proponent and myself, the opponent.

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

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume. I have great respect for the gentleman from Ohio (Mr. REGULA) and the incredibly difficult task he and his staff have had before them to write this bill. I think he did a remarkable job and I want to commend him.

My amendment would simply make a modest adjustment to the bill by restoring funding for two vital rural health programs to their fiscal year 2005 levels. Specifically, my amendment allows for increases to rural outreach grants by $28.511 million and $8.825 million to rural health research. This $37 million increase is offset by a reduction to OSHA.

As Members may know, rural programs across the Federal budget continue to be proposed for cuts or elimination. As cochairman of the Congressional Rural Caucus, I feel obligated to rise and share my concern. Some argue that the Medicare bill we passed last year fixed rural health care and that we do not need to continue to fund rural programs, but this is comparing apples to oranges. The Medicare bill increased reimbursements for rural hospitals and doctors, while outreach grants that we are dealing with generally do not involve hospitals. Outreach funds go to a variety of providers that saw no benefit from the Medicare prescription drug bill, such as public health departments, community health centers, rural health clinics, mental health providers, and other community-based organizations that provide the finest care to our poorest.

Outreach grants run for 3 years with applicants being eligible for up to $200,000 per year. Outreach grants emphasize collaboration by key community groups, requiring at least three health care providers to come together to apply for the funding. The idea of the grants is to provide start-up funds to innovative approaches to health problems in rural areas with the applicants using the 3 years to make the program self-sustaining. According to a study by the University of Minnesota, more than 80 percent of programs established with outreach grants were still operating 5 years after Federal funding expired.

My amendment also restores funding for the $9 million rural health research program. This money supports eight rural health research centers around the country and also supports the Secretary's National Advisory Committee on Rural Health, which is composed of national leaders on rural health care and has an important role in shaping administration policy. The rural research centers help us understand how CMS payments interact with the reality of rural health practice, including the wage index issues researched by the University of North Carolina and physician payment issues researched in the past by the Rural Policy Research Institute in Nebraska.

The rural research line also funds the Secretary's National Advisory Committee on Rural Health which submits an annual report to the Secretary, the only rural-specific report our Secretary of Health may ever see in a given year. This funding line also carries out the function of evaluating Federal regulations within the Office of Rural Health Policy. Eliminating this program would effectively cut off the only rural policy shop within HHS.

If rural health fails, there are no winners. People travel long distances to more affordable, less accessible health care settings in our suburban areas. No one wins. Families are displaced, people are long distances from their loved ones and their support team, and the system pays considerably more, so there is no savings.

This is the worst possible time to eliminate funding for these programs. As the health care world continues to evolve, we have to ensure that rural America has a seat at the table of Congress and the administration. We need to restore funding for these two vital rural health programs I have just shared with you.

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

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

I have to reluctantly rise in opposition to the gentleman's amendment. He is a valuable member of our subcommittee and is certainly a strong voice for programs providing health care in rural areas. As the gentleman knows, we have tried to respond as much as possible within the constraints of the budget. That program seemed to be the highest priority rural health program for our Members. I realize the outreach program is popular among Members but we just felt we had to restore some of the other cuts proposed, like pediatric GME.

Unfortunately, the offset in the amendment is unacceptable and any cut in OSHA would savage the agency's ability to maintain its safety programs. This is a clear example of we wish we had more money, but we do not, and we are trying to make the best use of what we have.

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

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

Mr. OBEY. Mr. Chairman, I am strongly opposed to this amendment. I take a back seat to no one in my support for rural health care. I have offered numerous amendments in the past to add to its budget. But this amendment gets the money to restore funding for rural health care in an outrageous fashion, because it takes it from the agency that is supposed to protect workers' health and lives.

In 2003, more than 5,500 workers were killed in this country by job injuries. That is 15 workers every day. In the steel industry, there has been a major increase in workplace fatalities the last 2 years. The impact of those fatalities is enormous. According to Liberty Mutual, the Nation's largest Workmen's Compensation company, the direct cost of these injuries and illness is $1 billion a week, and the total cost is between $200 and $300 billion a year.

The present budget proposal for OSHA in this bill is $477 million, which is less than $4.60 for every private sector worker. Under the current OSHA budget, OSHA can inspect workplaces on an average of once every 108 years, and this amendment will make that worse.

This is a case where, again, the budget resolution is totally inadequate. Neither of these programs should be cut. The problem is that this amendment takes money away from a program which will save workers' lives. I would urge a ''no'' vote. I most reluctantly take this position because I am strongly in favor of rural health care but not at the expense of workers' lives.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

I am not going to take a lot of time here to defend the cut in OSHA, but I will say that I have a lot of friends that work in plants and refineries and mills in my district, and if there is an agency that could better utilize their enforcement dollars, it is OSHA. I have many union workers, close friends of mine, that talk about the nonsense-type things that OSHA comes in and tinkers with when they could come in and instruct, because most employers today want to run a safe shop. If they had the process where they would come in and instruct, go after the real safety issues instead of the nit-picking issues that they do, I do not believe this small cut in OSHA would cost us one life. If OSHA used modern technology, they could double what they do in saving lives.

I want to say this in conclusion. Rural health care is struggling in America. We have always been at the short end of the payment system. We have always had to deal with less payment for the very same procedures. I was in the food business. I was in the retail business. Only in health care does the smallest get paid the least. When you go to a small store, you expect to pay a little more. But the big hospitals, the big institutions who have the volume, who have the multitude of customers and use those expensive pieces of equipment morning, noon, and night get paid more. It is the most unfair part. And why should rural citizens not have adequate equal access to good health care?

But let me tell you what happens too often. They leave their families, drive hundreds of miles away to an urban center that they are not even comfortable in, and the system will pay 50 percent more for the same health care that could be given to them in their own community. Nobody wins. And sometimes people die.

Mr. Chairman, I will reluctantly withdraw this amendment in hopes that the chairman and the ranking member will see that these two programs do not go unfunded in the final conference report.

Mr. REGULA. Mr. Chairman, if the gentleman will yield, I am sympathetic. I come from a rural district myself and live on a farm, as a matter of fact. I understand what the gentleman

is saying. He illustrates the fact that we have had to make very difficult priority judgments. Certainly I for one, and I know the gentleman from Wisconsin has a rural district, too, would be sympathetic to this in conference. We obviously cannot promise anything, but I hear my colleague's comments and his arguments and would certainly keep these in mind.

Mr. PETERSON of Pennsylvania. I thank the chairman and the ranking member. I will hope and pray that they come through for rural America.

Mr. Chairman, I withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. OWENS

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

The Clerk read as follows:

Amendment offered by Mr. OWENS:

In title I, in the item relating to ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES'', strike '': *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis''.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 10 minutes to be equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

□ 1500

The Acting CHAIRMAN (Mr. GILLMOR). The Chair recognizes the gentleman from New York (Mr. OWENS).

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

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

Mr. OWENS. Mr. Chairman, I rise to offer an amendment in support of OSHA and the safety of workers, in contrast to the last amendment offered which tried to trivialize the importance of workers' safety. My amendment is to protect first responders and receivers from bioterrorism and its deadly consequences. Several distinguished colleagues have joined me in offering this amendment: they are the gentleman from Ohio (Mr. LATOURETTE), who co-chairs the Nurse Caucus; the gentleman from California (Mr. GEORGE MILLER), who is senior Democrat on the Committee on Education and the Workforce; and the gentleman from Mississippi (Mr. THOMPSON), who is the ranking Democrat on the Committee on Homeland Security.

Mr. Chairman, this amendment simply strikes a dangerous provision in the underlying bill that would leave first responders and receivers without the most basic protection against bioterrorist attacks. This provision bans the annual fit testing of respirators or masks for our front-line heroes. Why is such a provision there? It is part of the effort to trivialize the whole concept of workers' safety. Why single out a small matter like this and deny the fit testing of respirators and masks for our front-line heroes?

Unless this provision is deleted, let me spell out the commonsense consequences, and bear in mind the fact that even on the Hill here when we had the anthrax attacks, the danger of people being exposed who were not protected was dramatized; and during the series of anthrax attacks, the two people who were casualties, who are unrecognized, unsung heroes, they are dead, were postal workers who died as a result of not being protected from anthrax. So to trivialize this situation, I think, is one more step in the attempt by the majority party to make OSHA seem like an irrelevant inconsequential agency.

In the event of an attack, emergency medical technicians from a local fire department would be the first on the scene to help scores of victims with the same unexplained illness. Unless they have respirators that fit properly, these emergency medical workers would themselves face exposure to the deadly bio-agent. Likewise, nurses in a local hospital would routinely have first contact with patients brought in with similar unexplained symptoms. Unless they had respirators, they would pass it on to other people.

Mr. Chairman, the provision in this bill that bans such fit testing of respirators clearly undermines a core tenet of preparedness in the event of a bio-terrorist attack. I would urge each Member to consider the fact that we were given opportunities to go get fitted for masks, to get used to how the masks go on, and most Members of Congress did not go; but those who did go found just to be fitted with a mask and get used to the idea is very difficult. By the time such an attack is under way, it is flat out too late to start fit testing respirators for individual workers.

The only Federal rule we have that requires the annual fit testing of respirators for these workers is the Occupational Safety and Health Administration's tuberculosis prevention standard. Yet the bill we are now considering would prohibit OSHA from enforcing this requirement.

At a time when the Bush administration continues to issue daily color-coded terrorist alerts, it makes absolutely no sense to weaken the only standard we have to protect first responders and receivers from bioterrorism. We already know that in the hands of terrorists, airborne pathogens would quite literally become weapons of mass destruction capable of causing life-threatening illnesses and death for hundreds of thousands, and perhaps millions, of Americans.

Examples of these pathogens include multidrug-resistant TB, smallpox, and pneumonic plague, among others. Elsewhere in this bill, we are appropriating $500 million for hospitals to purchase equipment for this purpose. We also are appropriating $30 million for hospitals to educate their workers, but we picked out this situation that says but we cannot have a standard which ensures responders and receivers would be protected by having a prefitting.

It would only cost about $11.7 million to fit test all the first responders and receivers in fiscal year 2006, and one third of the amount appropriated for hospital funding for workforce education on bioterrorism could be used for this purpose. Talk about a lack of common sense and egregious failure to act responsibly, this is it. And it is only there because of this great contempt for workers' safety and for OSHA.

The respirators first responders use, N95 masks, are 95 percent efficient at deterring pathogens if and only if they fit properly. According to the manufacturer of these respirators, and this is laid out in the instructions for use, there must be annual fit testing to ensure a proper fit. Even slight changes posed by weight gain or loss, dental work, or normal aging can interfere.

If we are going to carry out our duties in terms of homeland security, then this small step must be taken. Remove and ban this provision.

JUNE 22, 2005.

DEAR REPRESENTATIVE: On behalf of nearly one million first responders and nurses represented by our organizations, we are writing to urge you to support an amendment to the Labor-Health and Human Services-Education Appropriations bill that would protect health care workers and first responders from unnecessary risk when exposed to tuberculosis (TB) as well as other natural or man-made airborne biological agents. The amendment to be offered by Representatives Major R. Owens and Steven C. LaTourette would remove a provision in the bill that prohibits the Occupational Safety and Health Administration (OSHA) from enforcing the annual fit testing of respirator masks that employers are required to provide workers who are at risk of exposure to TB.

In December 2003, OSHA extended its respirator standard (29 CFR 1910.134) to apply to workplaces where there is a risk of exposure to TB. This requirement would protect nurses, first responders and other health care workers in workplaces where tuberculosis cases have previously presented. As

part of the respirator standard, employers are required to conduct an annual fit test, to ensure that an employee's respirator mask fits properly and provides the expected protection. When developing the respirator standard, OSHA determined that an annual fit test was necessary due to changes in a worker's weight, dental work and other factors that affect the facial seal of the respirator mask.

Properly fitted respirators not only safeguard against TB, but against additional airborne hazards such as SARS, anthrax, avian flu, monkey pox and other biological agents that could be released in a terrorist attack. Annual fit testing against TB will ensure that nurses and responders are prepared in advance from airborne biological threats. The need for a properly fitted respirator mask was demonstrated in Toronto during the SARS outbreak when several health care workers whose respirators had not been fit tested contracted SARS. Because the cost of the annual fit testing is small—estimated by OSHA at $10.7 million nationally—it is a wise investment to be made for those most vulnerable to TB and on the frontline of any biological threat or attack.

While many states have made progress against TB infection rates since the early 1990s, it is still a serious threat to many nurses and first responders. Furthermore, drug resistant TB is still a daily risk for nurses and first responders who care for immigrant, homeless, incarcerated and long-term populations.

The annual fit testing requirement is not unique to tuberculosis. The respirator standard requires other industries to conduct an annual fit test where there is risk of exposure to other airborne hazards. Indeed, health care facilities are required to conduct annual fit testing when the presence of other contaminants, such as ethylene oxide and formaldehyde, require the use of respirators. First responders and nurses at risk of exposure to tuberculosis should be afforded the same protections as workers who are at risk of exposure to other airborne hazards. Moreover, the annual fit test serves the public interest by reducing the possibility that first responders and nurses will become vectors of TB and other diseases.

For all of these reasons, we strongly urge you to support the Owens-LaTourette amendment and to help protect first responders and nurses from unnecessary and serious health risks.

Sincerely,

AFL–CIO; American Federation of State, County and Municipal Employees; American Federation of Teachers; American Nurses Association; Communications Workers of America; International Association of Fire Fighters; International Brotherhood of Teamsters; International Union, United Auto Workers; Service Employees International Union; United American Nurses; United Food and Commerical Workers International Union; United Steelworkers.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA) for yielding me this time.

I join the gentleman from Ohio (Chairman REGULA) in opposing the Owens amendment and would submit to my colleagues that this amendment offers this very straightforward question to Members of the House today: whether to continue the effective job that the Centers for Disease Control are doing currently to fight tuberculosis in the United States or whether, on the other hand, to adopt the Owens amendment and implement an expensive new regulation to allow OSHA to become involved in infectious disease control. That is the basic question.

I know that many of us in the House of Representatives and many people across the country are concerned about the issue of rising health care costs. And I will tell the Members that this amendment, if adopted today, would increase the cost of health care for Americans. It may sound reasonable and narrowly drawn at first, dealing only with the fit testing of respirators used to prevent tuberculosis; but I would invite Members to call their hospital administrators and find out what they have to say about this amendment, and what they will tell them is this will be an expensive new regulation for hospitals, and it will increase health care costs for Americans.

I think most of us agree that the correct people to fight infectious disease are the health care professionals in our hospitals, and the best agency to regulate and provide guidelines for these health care professionals is the Centers for Disease Control. They have been doing it since 1992, and they have been doing a good job of it.

This amendment is a back-door method of allowing OSHA a foothold in the regulation of infectious diseases, and I do not think we want to do that today. And one reason we do not want to do it is the success of CDC.

I direct the attention of my colleagues to this chart here. I do not know if every Member can see it, but we can see that tuberculosis rates are the lowest they have been since 1953, and they continue to drop. On the other chart, ''Reported TB cases in the United States, 1982 to 2003'', along about 1992 when CDC started providing guidelines for our health care facilities for regulation of tuberculosis, the TB rate started to drop, and it has continuously dropped.

CDC is winning the war against tuberculosis in this country. I thank the chairman for including this in the legislation last year. It is now the law of the land. I thank the chairman for keeping the legislation this year, and I urge my colleagues to stay with a proven record in fighting tuberculosis by voting ''no'' on the Owens amendment.

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

I rise in opposition to the amendment. It was included in the bill last year. It was offered as an amendment in full committee markup and passed and was retained in the conference report. This is good language, allows the committee to exercise its oversight rights, and tuberculosis outbreaks and hospitals ought to be regulated by the CDC, not OSHA. CDC is this Nation's primary infectious disease control agency, and we do not need other agencies to enact regulations that are not backed up by sound science in a misguided attempt to control infectious diseases. That is the CDC role. For that reason I oppose the amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of the amendment offered by my friend and colleague from New York.

As public officials, we face many difficult decisions. This issue should not be one.

The amendment before us this morning would strike a provision in this bill that bans OSHA from conducting fit tests of the respirator masks worn by our first responders.

These masks are crucial to the survival of our first responders and it is only common sense that these masks must fit properly to perform as expected.

We would never ask our soldiers on the battlefield to go into combat with equipment that mayor may not perform as expected. Our first responders who are our domestic defenders deserve the same treatment.

We must do everything we can to help those who sacrifice so much to protect us.

Only yesterday, a group of 80 arms control and security experts released a survey commissioned by Senator LUGAR of Indiana which says that they believe there is a 70 percent chance of a WMD attack in the next 10 years.

We all agree that we should focus our efforts on preventing any future WMD attack, but we must ensure that our first responders are adequately protected should an attack take place.

I strongly support the amendment offered by Mr. OWENS and urge my colleagues to do the same.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise today in support of the amendment by Representatives STEVEN LATOURETTE, GEORGE MILLER, MAJOR OWENS, and BENNIE THOMPSON, to the Labor/HHS appropriations bill to strike a provision that bans the annual fit-testing of respirators for first responders and first receivers.

As many working Americans know, this ban on annual fit-testing undermines our national preparedness and that of our first responders in the event of a bio-terrorism attack. In the wake of the tragedies of September 11, 2001, it seems irresponsible for us to ban the annual fit-testing of respirators.

We all have heard about the dangers of airborne pathogens becoming ''weapons of mass destruction.'' The only federal rule mandating annual fit-testing of respirators for workers is the Occupational Health and Safety Administration's, OSHA, TB prevention standard. The bill before us would prohibit OSHA from enforcing this requirement.

This amendment is supported by the AFL–CIO, AFSCME, American Nurses Association, ANA, International Association of Fire Fighters, IAFF, and the International Safety Equipment Association, ISEA.

I strongly urge my colleagues to support this amendment.

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

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

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

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

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

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I, along with the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Washington (Mr. BAIRD), was considering proposing an amendment to restore funds for the Community Service Block Grant program. Earlier this year, 121 of my colleagues and I sent a letter to the chairman and to the ranking member respectfully requesting that adequate funding be provided for the CSBG program. Recognizing the challenges that the chairman faced, we were disappointed that the bill provided 50 percent less funding than the previous year.

Mr. REGULA. Mr. Chairman, reclaiming my time, we did receive their correspondence, and I appreciate the gentleman's concerns. They are not unlike the supporters of many other popular programs. I would also thank the gentleman for understanding the tight fiscal constraints that my committee is facing this year.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Pennsylvania.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, the chairman is absolutely right. We do not intend to diminish attention and concern for other programs within this measure, which we recognize represents a very tight balancing act. However, I would like to bring to the attention of my colleagues in the House the ramifications of cutting this vital program.

CSBG ensures that America's low-income families and communities have access to quality programs that help meet their local needs. If this cut were to take place, current and future services would be eliminated or disrupted for about 6.5 million low-income individuals and 3 million families, including almost 2 million children.

As the chairman knows, CSBG supplies the core funding for more than 1,100 grantees, primarily Community Action Agencies nationwide. A cut in funding would put many important services provided by these agencies at risk. This includes domestic violence services, food banks, health and dental clinics, entrepreneurship skills and financing, asset development, job development and skills training, and youth training. And the list goes on.

I would like to use an example of one such organization in my district, the Greater Erie Community Action Committee, or GECAC. This cut would considerably limit GECAC's ability to provide tailor-made services and initiatives that help vulnerable families in Erie, Pennsylvania. An important facet of CSBG is the flexibility that allows GECAC to deliver community-designed responses to our unique needs.

Mr. Chairman, the bottom line is that we have seen great progress for many of America's poorer families as a result of this program. CSBG has provided invaluable assistance to our neediest families and gives individuals the necessary tools to help them get back on their feet.

Mr. REGULA. Mr. Chairman, reclaiming my time, certainly I appreciate the gentleman's concerns, and I hope that we can work together in the coming months.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, if the gentleman will further yield, I thank the gentleman for the opportunity to discuss this important issue this afternoon.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

I rise for the purpose of entering into a colloquy with the gentlewoman from Washington (Miss MCMORRIS).

Miss MCMORRIS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentlewoman from Washington.

Miss MCMORRIS. Mr. Chairman, I rise for the purpose of entering into a colloquy with the chairman, and I thank the gentleman for yielding to me.

I appreciate the chairman's leadership on the Labor-HHS and Education bill, and I especially appreciate his allowing me some time to highlight the significant role training in primary medicine plays in rural health and dental care.

My district in eastern Washington stretches from the Canadian border to the Oregon border and covers 23,000 square miles. As I travel around the district and hear from doctors, individuals, and families, I am told of the many challenges facing small rural communities in terms of access to health care.

□ 1515

In Congress, one of my top priorities is to ensure those in my district from Spokane, which is the largest medical center between Seattle and Minneapolis, to the more rural communities have access to quality, affordable health care.

It concerns me that eastern Washington and throughout rural America, we are seeing an increasing shortage of health care professionals. Already, 20 percent of the United States is impacted by health care personnel shortages. We need doctors, nurses, lab technicians and, especially in rural areas, we have a critical need for training in primary care medicine and dentistry.

Congress has recognized these challenges and has worked to preserve rural communities' access to health care by investing in the Training in Primary Care Medicine and Dentistry program under Title VII of the Public Health Care Service Act, and administered in the Health Resources and Services Administration of the Department of Health and Human Services. This funding plays a critical role in supporting programs that help train and bring health care professionals to rural areas of our country.

One of the regional programs that has benefited from Title VII grants is the rural health training program, referred to as WWAMI, which stands for Washington, Wyoming, Alaska, Montana, and Idaho. This rural health training residency network trains its graduate students at rural sites within these five States, with the supposition that doctors practice where they were trained. Statistics show that this method has proven itself effective time and time again. Retention rates of doctors who have been trained in rural areas within these States show that 89 percent of physicians who have been trained in rural areas have chosen to practice in those rural areas. Federal grants have been instrumental in the development of this innovative program. Congress needs to continue to invest in training in primary care medicine and dentistry because, in areas of critical need, it is a vital resource used to ensure access to health care.

Mr. Chairman, I hope that the gentleman from Ohio (Chairman REGULA) will be able to address this issue in conference so that primary care training programs receive some Federal funding in fiscal year 06.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentlewoman for bringing the issue of training primary care physicians for service in rural areas to the attention of all of the Members.

All of us who represent rural areas share the gentlewoman's concern. It is very difficult for me to recommend not funding many of the health professions training programs. I certainly pledge to the gentlewoman that I will try to address this problem when we are in conference with our Senate colleagues.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank the ranking member for yielding me time, and I apologize for speaking out of order on an amendment that I did not understand the rules for providing debate time for.

Mr. Chairman, I rise in support of the Owens-LaTourette amendment. This bill before us endangers the lives of our Nation's nurses and our first responders, and it threatens the ability of our country to keep control of tuberculosis, and it blocks a critical requirement that nurses, EMTs, firefighters, and other first responders are fitted annually for tight-fitting respirators.

Mr. Chairman, these respirators are masks that protect these emergency responders, these health care professionals, from being exposed to deadly

diseases like tuberculosis or anthrax or any of the bioterrorist agents that could be used in a terrorist attack.

For these respirators to be effective, they must fit properly. And since people's faces change over the years as they gain or lose weight, they must be checked on an annual basis, which is currently required by law. It is a commonsense law.

Language inserted into this bill would eliminate that requirement. The Owens-LaTourette amendment would protect current law and the requirement for annual fit-testing of respirators. Retaining the requirements that respirators be fit-tested annually is essential to our efforts to control tuberculosis and to respond to bioterrorism.

If these respirators do not fit properly, the emergency responders we are counting on to prevent the spread of contagion, disease, and death may become infected themselves, and that would increase the number of patients we have to deal with and reduce our ability to effectively respond. It would certainly affect the ability of caregivers to respond. This is not the right way to prepare our Nation for bioterrorism or public health emergencies.

I urge my colleagues to support nurses, to support EMTs, firefighters, and other first responders by voting for the Owens-LaTourette amendment.

Mr. WATT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask unanimous consent that the time be extended by 10 additional minutes, for a total of 15 minutes in time, and that I be allowed to yield that time to other Members.

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

There was no objection.

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

Mr. WATT. Mr. Chairman, I am here as chairman of the Congressional Black Caucus, and to talk about the bill before us.

When I became Chair of the Congressional Black Caucus earlier this year, I encouraged my colleagues in the caucus to refocus their energies, and they agreed to do so, on the basic historical purpose of the Congressional Black Caucus: closing disparities that exist between African Americans and other Americans in this country.

That enabled us to develop, in a daylong retreat, an agenda around closing disparities in this country. It enabled us to give that agenda to the President of the United States on January 17 of this year, and to say to the President of the United States, we will not evaluate you on whether you are a Republican or a Democrat; we will evaluate you solely on whether you are proposing an agenda, an appropriation, a proposal that will close or widen the disparities that exist between African Americans and other Americans in this country. It enabled us to come, when we engaged in this debate on the budget and offer a Congressional Black Caucus budget that focused on the agenda of closing disparities between African Americans and other Americans. It enabled us to develop a legislative and an appropriations agenda that focused on that same objective.

So why are we here today? Because this bill literally blows up our whole domestic agenda that the Congressional Black Caucus has adopted. In health care, in education, in justice, and in all of the things that we believe are important, we believe this bill moves us in the wrong direction.

In our CBC budget, we proposed to roll back the tax cuts on people who make the highest amount of money in our country, people over $200,000 a year, and to get $20 billion, approximately, out of that rollback from which we could do our agenda. That was not allowed.

We cannot do what we want to do in the context of this bill because the only thing we could do in this bill, if we offered an amendment, would be to rob Peter to pay Paul. We would be taking from one worthy purpose to give to another.

But we cannot sit by and allow this bill, which rolls back adult training grants, U.S. employment services, youth training grants, Job Corps, community service block grants, LIHEAP, No Child Left Behind, and zeroes out a total of 48 programs that would have the effect of closing disparities between us and other Americans.

We must stand, and that is why we have asked for the time today.

Mr. Chairman, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) to talk about the health disparities that this bill will not help close.

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

Mrs. CHRISTENSEN. Mr. Chairman, this bill not only undermines our Nation's greatest resources, our people, but as a document, it is not worthy of what this country stands for. As a matter of fact, when I look at it, I just do not know what the Nation stands for.

It obviously does not stand, this bill says that it does not stand for equal and the best health care for every American when we look at the cuts in programs that provide needed services, maternal and child health, sickle cell programs, the HCAP program, rural health program, community health centers, and the failure to extend full Medicaid to the territories. It also says that the country does not believe that in this increasingly diverse country, that our residents should be able to communicate with their health care provider.

The health profession programs that are key to eliminating health care disparities are decimated, an 84 percent cut. That is scholarships, loan repayments, and outreach programs. It appears that they do not accept that the African American community, which is so devastated by HIV/AIDS, has to have adequate resources itself to reverse its toll, and that AIDS patients across this country need adequate ADAP funding to get the treatment they need.

This budget does not care, obviously, that an ounce of prevention is worth a pound of cure. This country, it says that this country would rather neglect prevention and early care in favor of high-tech, more expensive payments that come too little too late, if at all, to the poor, the rural, and the people of color to make a difference. This bill would make this country one that prefers to have the poor and the middle-class citizens bear every burden, from war to environmental pollution and to illness, just so that its richest people can get richer.

On behalf of my constituents and people of color across this country, I say we reject the crumbs from the tables of the rich. We want what we deserve: good health, a decent education, and the opportunity for a good job with a living wage.

This bill sends the wrong message. The culture of life that we hear so much about, apparently, this bill does not want it extended past birth.

I urge my colleagues to vote ''no'' on this bill, to do whatever we can to block the tax cuts, and to take our country back. I say, let us really fund our culture of life. Let us fund those programs that are being eliminated from sickle cell, from training, and maternal and child health and, all of the programs that keep our communities healthy. Let us really fund the culture of life by rejecting tax cuts in favor of sharing the burdens and the bounty of this country, by investing in our people and their health, and really have a budget that supports life.

Mr. WATT. Mr. Chairman, I yield to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Chairman, the Congressional Black Caucus has always held up education as our number one priority. At the heart of our agenda to end disparities this year is a bill which calls for the Federal Government to require that all States equalize their distribution of education funds. It is a major problem across the country. Columbia University has recently started a project which identifies 28 States where there are lawsuits underway, just requiring basically that the States distribute education funds equally to minority areas and to rural areas as a first step toward ending disparities.

When Lyndon Johnson proposed Title I in the Elementary Education Assistance Act, he proposed it to go into the areas with the greatest needs, the greatest poverty. He was offering a way to help eliminate disparities. When we proposed that Title I funding be raised to the level of the promise, we promised enough money for it to have $13.2

billion this year and over the period of time that the legislation has existed. If we had lived up to the promise, we would have had $40 billion going into the system which basically is designed to help end disparities.

□ 1530

Title I money goes to the poorest areas of our country. Title I money goes, in big cities, to areas like my district. Title I money goes to areas where you will find the largest amount of health problems, you find the largest amount of people who are being put in prisons.

You will find the greatest rate of unemployment. So title I money is targeted to help end disparities. But it is not happening at the rate that it should, because of the fact that we are cutting back on our investment in education.

The people who live in the areas helped by title I funds are people who are important to the America of the future as anyone else. These are major human resources. We should invest in these human resources, follow the gentleman from Wisconsin (Mr. OBEY) in terms of setting aside money for priority education programs.

If you reached into the tax cuts and gave less of a cut to the richest people in America, you could easily fund the promise of title I as well as many of these other education programs. But this budget reverses what has been happening over the last few years. For the first time, we have frozen education and actually gone backwards in some instances, because the rising cost of living means that you cannot have the same funding and get the same results when the costs are going up.

Not only has No Child Left Behind received what is really a cut, but the promise of funding IDEA, Individuals With Disabilities Education Act, with greater funds has been thrown away. The bill freezes after-school centers; education technology has been slashed. And on and on it goes. We are not investing in a major area of human resources that our Nation needs.

Mr. WATT. Mr. Chairman, solely for the purpose of a unanimous consent request, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE.)

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to associate myself with my colleagues to promote a better quality of life for all Americans and African Americans who are suffering greatly from the disparities that are found in health and education.

Mr. WATT. Mr. Chairman, solely for the purpose of a unanimous consent request, I yield to the gentleman from Texas (Mr. AL GREEN.)

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

Mr. AL GREEN of Texas. Mr. Chairman, I too would like to associate myself with the comments from the Congressional Black Caucus. I would want to assure the chairman of the caucus that I think that what we are doing now is most appropriate.

Mr. Chairman, let me first say thanks to you and the Ranking Member for your work on this bill.

Despite the hard work that went into this bill, I will not be voting in favor of the bill.

More specifically, the bill cuts all funding for Area Health Education Centers, Health Education and Training Centers, and Health Professions Training Programs. All of these programs fall under Title VII and are very important to my constituents. These programs have been addressing the needs of medically underserved communities in Texas since 1991 by playing a key role in providing health services and health care professionals for our most vulnerable populations.

The bill also cuts funding in other important programs. For example, the bill provides the smallest increase for NIH in 36 years. It reduces the overall Centers for Disease Control and Prevention budget. Further it ends HHS contributions to the Global AIDS Fund. The bill also cuts substance abuse prevention and treatment and produces a continued decline in the number of research grants. While the bill provides a small increase for Head Start, it does not adopt the President's proposal to spend $45 million on new pilot programs under which State governments would take over management of the program in nine States. The bill also freezes appropriations on the Child Care Block Grant at the FY05 level of $2.083 billion, making it the fourth year in a row which this program has been either frozen or cut.

Unfortunately, the bill only provides $14.7 billion for the Education for the Disadvantaged Children Program. It saddens me to say that this amount is $115 million less than the current level and $1.7 billion less than the Administration's request. I hope more funding can be provided for this important program during conference.

Before closing, I would like to express my dismay with the $100 million decrease in funding for Corporation for Public Broadcasting. A loss in CPB funding would seriously hamper PBS' ability to acquire the top quality children's educational programming that is used in classrooms, day care centers and millions of American households to educate, entertain and provide a safe harbor from the violent, commercial and crass content found in the commercial marketplace. PBS provides valuable services that improve classroom teaching and assist homeschoolers. These could be reduced or eliminated if federal funding is cut. These services include PBS TeacherSource, a service that provides pre-K through 12 educators with nearly 4,000 free lesson plans, teachers' guides, and homeschooling guidance; and PBS TeacherLine, which provides high-quality professional teacher development through more than 90 online-facilitated courses in reading, mathematics, science and technology integration. We must not cut funding for this valuable program.

Let me also take a moment to speak on the Congressional Black Caucus Closing Disparities Agenda. Closing the achievement and opportunity gaps in education, assuring quality health care for every American, focusing on employment and economic security, building wealth and business development, ensuring justice for all, guaranteeing retirement security for all Americans, and increasing equity in foreign policy are all important issues that we as members of the Congressional Black Caucus strive to make advancements in every day.

The CBC acknowledges the unfortunate fact that disparities between African-Americans and white Americans continue to exist in 2005 in every aspect of our lives and that the historical mission of the CBC has not yet been fully accomplished. It is important to note that providing high-quality education to all public school students is very critical to achieving our objectives in all areas of our Agenda.

More specifically, we must continue supporting early childhood nutrition, Head Start and movements toward universal pre-schools. Providing education and assistance appropriate to the needs of each individual student to fulfill the promise of No Child Left Behind, dropout prevention, after-school programs, school modernization and infrastructure and equipment enhancement is important.

Increasing the availability of Pell Grants, scholarships, loan assistance and other specialized programs to enable and provide incentives to more African-American students to obtain college, graduate or professional degrees or otherwise receive training and retraining to meet changing job needs is also very important. The preservation and improving of Historically Black Colleges and Universities is also essential to our growth as a people. The following are some of the dramatic disparities that the CBC believes would be reduced by the above priorities:

In 2003, 39 percent of African-American 4th grade students could read at or above a basic reading level compared to 74 percent of white 4th grade students, and 39 percent of African-American 8th grade students performed at or above a basic math level compared to 79 percent of white 8th grade students;

High school completion rates—83.7 percent for African-Americans, and 91.8 percent for whites;

Bachelor Degree recipients—16.4 percent for African-Americans, and 31.7 percent for whites; and

Digital Divide—41.3 percent of African-Americans are capable of accessing the Internet, compared to 61.5 percent of whites.

Another important area of the CBC agenda centers on health care disparities. The twentieth century saw major advances in health care, health status, and longevity. Despite these gains, differential morbidity and mortality between Caucasian populations and people of color persist; creating what the CBC believes is one of the most pressing health problems affecting America today. Recent reports on racial and ethnic health disparities document the relatively poor health of African Americans, American Indians, Latinos, Asian Americans, and other underrepresented groups when compared to white Americans. Not only are these groups often less healthy, but they also tend to have shorter life expectancies, greatly increased rates of infant mortality, high rates of chronic disease such as diabetes, worse outcomes once diagnosed with an illness, and less access to health care.

Among the dramatic disparities the CBC believes could be reduced by taking action are:

In December 2004, the American Journal of Public Health reported that 886,000 more African-Americans died between 1991 and 2000

than would have died had equal health care been available;

While African-Americans comprised approximately 12 percent of the U.S. population in 2000, they represented 19.6 percent of the uninsured;

African-American men experience twice the average death rate from prostate cancer;

In 2002, the African-American AIDS diagnosis rate was 11 times the white diagnosis rate (23 times more for women and 9 times more for men);

African-Americans are two times more likely to have diabetes than whites, four times more likely to see their diabetes progress to end-stage renal disease and four times more likely to have a stroke; and

African-Americans are only 2.9 percent of doctors, 9.2 percent of nurses, 1.5 percent of dentists and 0.4 percent of health care administrators, yet African-Americans comprise 12 percent of the population.

As Congressional Black Caucus members, we will continue to work towards closing the gaps in education, health care, and employment.

I thank the Chairman for my time.

Mr. WATT. Mr. Chairman, solely for the purpose of a unanimous consent request, I yield to the gentleman from Texas (Mr. AL GREEN.)

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

Mr. AL GREEN of Texas. Mr. Chairman, I too would like to associate myself with the comments from the Congressional Black Caucus. I would want to assure the chairman of the caucus that I think that what we are doing now is most appropriate.

Mr. WATT. Mr. Chairman, solely for the purpose of seeking a unanimous consent request, I yield to the gentleman from Missouri (Mr. CLEAVER).

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

Mr. CLEAVER. Mr. Chairman, I rise in opposition to the bill.

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

Ms. LEE. Mr. Chairman, today I rise to say this: you know for the sake of $140,000 tax cuts for those making more than a million dollars, Republicans continue to force working men and women, our children, and the poor to pay, putting the priorities of the wealthy over basic investments in education, health care in our communities. It is immoral; it is just downright wrong.

This bill widens the disparities which the Congressional Black Caucus is trying to close. The Republican leadership is totally detached from the realities on AIDS funding, by freezing funding for the Ryan White AIDS Care Program and ending the Global AIDS Fund Contribution. Critical support for HIV/AIDS patients is totally denied. They are detached from the reality on human services. Slashing the community services block grant program in half only hurts the poorest who have no other place to turn. They are detached from the reality of job training, cutting adult job training programs by $31 million, which makes it much more difficult for the 7.6 million Americans who are out of work to get ahead.

The Republican leadership is detached from the reality on youth services. Cutting services for successful programs by 36 million young people not only undermines our efforts to help our youth and become successful in life, but it helps generate a whole cycle of hopelessness and despair.

Let me just say, I think the Republican leadership is totally detached from the reality on education. Cutting funding for No Child Left Behind by $806 million only shortchanges public education. This bill fails to live up to any standard of morality. In fact, it really does take morality to a new low.

If this bill is to reflect our values of compassion, Mr. Chairman, it needs to stop taking from the poor and giving to the rich. This bill does nothing to close the glaring disparities put forth by the Congressional Black Caucus that we are trying to close.

Mr. Chairman, I urge my colleagues to vote ''no'' on this bill.

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

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, recognizing the fact that serious disparities continue to exist for African Americans in practically all aspects of life, the Congressional Black Caucus has focused much of its attention this session on closing these gaps and reducing those disparities.

Unfortunately, this budget, this appropriation in many ways dashed the hopes of those who had thought and hoped that maybe it would provide some help. Instead, it cuts at the heart of many of these programs and areas of concentration, which are absolutely essential if we are to reduce these gaps. This budget cuts job training, job development programs, health services, education.

We reduce educational opportunities and cut funds for prisoner reentry and successful reintegration of these individuals back into normal life as self-sufficient and contributing members of society.

I would hope, I would urge, I would implore, I would importune conferees that as you go to conference, please look seriously at putting money back into reentry programs so that these individuals, both juveniles and adults, can lead happy, productive, contributing lives; and let the 630,000 individuals who come home from prison each year have some help to become productive citizens.

Mr. WATT. Mr. Chairman, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, we have very many disparities in the criminal justice system, particularly the juvenile justice system. But many of these programs have been terminated to fund tax cuts, primarily for those with incomes over $200,000.

One of those programs is the Reintegration of Youthful Offenders program sponsored by the Department of Labor. It helps young people get jobs, and we know that those with jobs are much less likely to commit crimes in the future.

We could fund this program by eliminating the earmark of $10 million for random nonsuspicion-based drug testing. Studies show that that drug testing does not reduce drug use, and that is why that kind of drug testing is opposed by the American Academy of Pediatrics, the American Public Health Association, and the National Education Association.

I would hope that as we go forward, adjustments in the budget to re-fund the Reintegration of Youthful Offender program and un-fund the earmark for $10 million for the random nonsuspicion-based drug testing could be made.

This amendment would be supported by the American Correctional Association, the Association for Addictive Professionals, and the National Association of Social Workers.

Mr. WATT. Mr. Chairman, I yield for a unanimous consent request to the gentlewoman from Georgia (Ms. MCKINNEY).

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

Ms. MCKINNEY. Mr. Chairman, I rise because the racial disparity in unemployment, median family income, average household net worth, over-65 poverty rate, and infant mortality is not decreasing, it is increasing.

Mr. WATT. Mr. Chairman, I yield solely for purposes of a unanimous consent request to the gentleman from Georgia (Mr. SCOTT).

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

Mr. SCOTT of Georgia. Mr. Chairman, I rise to say that there are extraordinary discrepancies faced by African Americans and associate my remarks with the eloquent remarks of those who have preceded me from the Congressional Black Caucus.

Mr. WATT. Mr. Chairman, I yield solely for a unanimous consent request to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise against this bill. It has cut every program to help the poor and elderly in the entire government. It would be shameful to vote for it.

I object to this bill. This bill cuts every program designated to assist poor children and the elderly. It's shameful that anyone will vote for it.

Mr. WATT. Mr. Chairman, I rise to say to my colleagues, 15 minutes, an

hour and 15 minutes, 15 days would not be enough time for us to tell you how bad this bill is and how devastating it will be in opening disparities that already exist wider and wider and wider.

When we rise into the full House, we intend to offer a copy of the Congressional Black Caucus agenda, the legislative agenda, and a listing of 48 programs that are zeroed out by this bill. I do not know how we think there is going to be any kind of movement toward a closing of the disparities that exist between rich and poor, black and white in this country if we continue to go down the road we are going.

We have drained all of our resources off to war, to tax cuts, and left nothing to address the needs of our own country and our own people.

AMENDMENT OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRADLEY of New Hampshire:

Page 16, line 4, insert ''(reduced by $25,000,000)'' after the aggregate dollar amount.

Page 70, line 23, insert ''(increased by $50,000,000)'' after the aggregate dollar amount.

Page 78, line 15, insert ''(reduced by $25,000,000)'' after the aggregate dollar amount.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to begin by thanking the graciousness of the chairman of the subcommittee, as well as the chairman of the full committee, and the staff who have worked with us today to try and find an acceptable offset so that we can increase the amount of dollars in special education funding in this appropriations bill.

Unfortunately, we were unable to reach an agreement, and so I am proceeding with this amendment to increase appropriated dollars in this bill by $50 million and to take $25 million from OSHA, as well as $25 million from the Department of Education, both from the administrative accounts, in both of those Departments, to fund this additional request for special education.

Mr. Chairman, as you know, and as the chairman of the subcommittee and the chairman of the full committee know, we have made tremendous progress in funding our commitment to special education over the years. Yet we are falling short.

Since 1976, we have increased the percentage of special education from about 7 percent to now approximately 20 percent. But having said that, and having talked about the progress that we have made, when we first passed the Individuals with Education Disability Act in 1975, the Federal Government committed to fund 40 percent of the cost of special education. Today, though we have made significant progress, as I said, going from 7 percent to 20 percent, we are still 20 percent short.

Since I have been a Member of Congress, we have also appropriated in each budget that I have voted for, and the corresponding appropriations bills, nearly $1 billion more for special education in 2003 and in 2004. And in the 2005 budget this year, we budgeted $500 million, which I believe during tight budget times was an appropriate figure.

Unfortunately, in the appropriations process, that figure of $500 million was cut to $150 million. My amendment today, if accepted, would restore $50 million of that funding and increase the special ed funding.

□ 1545

Now, as I suspect most of my colleagues find when they do town hall meetings, as I do, that a constant question arises, When will the Federal Government fully fund its commitment to special education?

This is a question that I answer repeatedly in my home State of New Hampshire. As people struggle with the high cost of property taxes and all of the mandates that are put upon them both by the Federal Government and by State governments, they ask me when will the Federal Government fulfill its commitment to fully funding special education.

Well, I realize this amendment is a modest amendment, adding $50 million to the appropriated level for special education; nevertheless, it is important to continue to seek to do everything that we can to maintain our commitment to special education funding.

Mr. Chairman, I ask my colleagues to support this amendment.

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

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

I reluctantly rise in opposition to this amendment. I am a very strong supporter of the IDEA programs and we did put additional money in, as much as we were able to do given the constraints of what was given to us to work with. It is quite obvious there are a lot of good programs that we are not able to fund to the level we would like to. We did put $150 million increase in this bill, and anyone that has been listening to the debate today knows that there are a lot of favorite programs and a lot of good programs that we are not able to give the level of funding to that people would like to have.

But here we are talking about offsetting this, taking this money out of OSHA. Now, I understand the concern for these children, these students, but I also have a great concern for people who are in the workplace and need to be protected with safety inspections, need to be protected with the OSHA efforts to ensure that the workplace is safe and so on. And if we cut the funding for OSHA to fund this program, I do not think we are being fair to people who depend on OSHA to ensure that they have a safe place to work. And also it would have the effect of denying OSHA the money they need to go into places of employment and give them advice on how to make it safer.

Well, that is very important to the employer. It is important to the employee, and it is important to all the people who are part of this Nation's workforce. And here we have got a perfect example of having to make some very difficult trade-offs because IDEA is vital, too, in terms of opportunity for young people who have some type of a special need.

I wish we could do both. But we had to make priority judgments when we put this bill together. So we tried to increase IDEA and at the same time maintain OSHA to a level that would ensure worker safety. And for this reason I have to oppose this amendment because this, like many others, has a wonderful and a worthy intent; but in terms of priorities between the safety of the workplace and putting more in, and we do put a lot into the IDEA program, over $11 billion, we just have to make the choice.

Under those circumstances I would have to oppose the amendment.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself the balance of my time to close on this amendment.

With all due respect to the chairman of the subcommittee, who I know has worked very hard over the years to increase our commitment to special education, I thank him for that and fully respect him for that. And I also understand the difficulty of the choices that we have to make.

Nevertheless, my amendment will help us, in some small but significant way, keep the commitment that the Federal Government made in 1975 when it passed the IDEA law, keep the commitment to local taxpayers, to State-funded and local-funded education efforts that we mandate right here in Washington. It will help us keep that commitment, and I urge my colleagues to support the amendment.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I demand a recorded

vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

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

Mr. MENENDEZ. Mr. Chairman, I believe the budget we pass is reflective of the values we hold as a country and the vision we have for our Nation. And the budget resolution and appropriations bills, such as the ones we are debating here, are moral documents and we should treat them as such.

The bill before us is in clear disregard of the values that makes this country great. This is a bill that will do a disservice to our Nation and will only weaken its future. At a time when we can find the money to fund tax cuts of $140,000 for the lucky few who make over a million dollars a year, at a price tag of $10.7 billion next year alone, it is inexcusable and I find it immoral, that the first thing that goes is our investment in our children's future.

Mr. Chairman, educators in schools across the country have been working hard to implement the changes No Child Left Behind asked of them to achieve: to raise proficiency, to demonstrate results. And they have been working to do this despite a persistent underfunding of the law totaling nearly $30 billion in the 4 years since we passed No Child Left Behind. This bill would increase that deficit to $40 billion.

Now we are asking more of our schools than ever before. And yes, they can meet higher standards and they can increase performance, but we must provide them with the resources that we promised in this legislation.

Now, I served on a school board, Mr. Chairman. I know the struggle of impossible budgets and having to choose between new textbooks, better technology, music classes and meeting the capital challenges of a school district. No Child Left Behind promised a strong Federal partnership for our schools and educators, but this works only if we act as true partners. Yet this bill actually cuts funding for No Child Left Behind by more than $800 million from last year and by more than a billion dollars less than even the President's request.

In addition to slashing a number of the President's requests, this bill provides only half of his proposed increase for Pell grants, something the President himself has touted as a top priority.

Now, instead, this bill flat-funds, or cuts program after program. I believe it is a slap in the face to our young people that as we ask them to reach new heights and as they find themselves reaching higher costs in terms of college tuition, the only increase to financial aid in this bill, the only increase is a mere $50 to the maximum Pell grant. College tuition for a public university in my State has risen more than $1,500 over 4 years. In that time, the actual average Pell award increased a meager $432.

Mr. Chairman, I know the value of a Pell grant. I benefited from one. As the first in my family to attend college, receiving that aid gave me critical financial support, but also a boost of confidence that I could succeed. There are now nearly 5 million students who benefit from Pell grants, approximately 100,000 in my State alone. But not for long. Under a formula change by this administration, at least 90,000 students would lose their award and another 1.3 million would see reductions in their awards this year.

So in the end, what is the real value of a $50 increase? Not much, Mr. Chairman. Our young people deserve a real effort to help them finance their dreams of college. But that is not part of the vision Republicans have for our country. And we see clearly in this bill what their vision is not.

It is not a vision that includes the opportunity for all children regardless of background or income to attend college, or the chance for every child to have the best teachers, the best education, and the best chance to succeed regardless of the happenstance of where they were born.

Instead, what we get is the realization of the priorities of the President and this Republican Congress.

Tax cuts in the name of our children's future are not my priorities, Mr. Chairman. Our children deserve better. Our country deserves better. This bill does not represent our values. It does not represent the values of families in this country, and it certainly does not represent the values of the people I serve in New Jersey.

I urge my colleagues to vote against the bill. At the end of the day, it is a poor excuse for providing the caliber of education that the future of the country deserves.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

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

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

Mr. BILIRAKIS. Mr. Chairman, I thank the chairman for yielding to me so that I might engage in a colloquy with him to discuss the funding for the consolidated health centers program.

The gentleman from Ohio (Mr. REGULA), as we all know, has been a tremendous supporter of health centers, and I appreciate his taking the time today to discuss how we can strengthen and expand the program next year.

As the gentlemen is well aware, Members of both sides of the aisle have risen in support of this critically important program over the years and I thank him for his great leadership in this regard. Within this bill and under these tight allocations, the subcommittee was able to provide an increase of $100 million for this program for fiscal year 2006, bringing overall spending to $1.817 billion.

While this is a step in the right direction, it is my hope that the gentleman will continue to work throughout the process to increase funding for the program closer to the President's request of $2.038 billion. As we search for ways to control Medicaid cost, reduce emergency room visits and keep people healthy, community health centers have served as a shining example, Mr. Chairman, of what works. The only problem is that we do not have more them of them across the country in communities of need.

This bill is the means to expand the program to more people, especially those who lack health insurance. And it is my hope that we do as much as possible in this regard to save money and keep people healthy in the future. I cannot emphasize strongly enough the important role that community health centers play in providing care to the millions of Americans who lack health insurance. For some, the only medical attention they receive comes from the local health center.

I applaud the subcommittee's approval of a $100 million increase. Much of that funding, unfortunately, is already committed, leaving very few additional resources to strengthen current health centers or expand to new communities outside the President's new initiative for poor counties. This year HHS actually canceled the last competition for new health centers site funding due to the lack of available funds. As the chairman is very well aware, many communities apply numerous times before they are selected. And with fewer and fewer opportunities, many communities may become discouraged by the process and withdraw from this model of care.

So I would ask the chairman to work throughout the process to increase the funding for this program to further expand access to care in a manner closer to the $304 million increase by the President. And a letter to that effect was signed by more than half of the House earlier this year.

□ 1600

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

Mr. REGULA. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I thank the gentleman from Ohio for his time and greatly appreciate his leadership on behalf of health centers across the country. I also appreciate the years of work that the gentleman from Florida has put in on behalf of health centers, and I dare say the current expansion would not have occurred without his leadership.

Mr. Chairman, I would like to add to the gentleman's remarks by discussing

the need to strengthen existing centers, like the one in my congressional district, Uvalde County Clinic. Although Uvalde County Clinic has a remarkable record of controlling costs while serving thousands of patients, they are still seeing cost increases that are forcing them to make decisions on what services to continue and which to cut back if increased funding is not available.

As a matter of fact, their funding has been cut this year since HHS has not yet sent out the base grant adjustments provided by this bill last year due to the new policy of reducing each center's grant by the across-the-board cuts approved last year.

As the chairman is aware, over the past few years, the President's budget has not included increased funding for existing centers to meet the rising costs, but each year we have ensured that some portion of the increase was provided for base grant adjustments. Unfortunately, this bill does not include any funding for base grant adjustments, and I would hope as we move through the process we are able to find a way to set aside some funding for existing centers for base grant adjustments.

Mr. Chairman, I appreciate the gentleman's commitment to this program and hope that he will continue to work through the legislative process to ensure that the funding for the health centers program can be closer to the President's request and also include specific funding for base grant adjustments in the final bill.

Again, Mr. Chairman, the chairman has been a true champion of the health center program, and I look forward to our continued work together to expand community health centers to those most in need.

Mr. REGULA. Mr. Chairman, I thank both gentlemen, and I think what they are discussing is vitally important. I wish we could do more. I am a big fan of the community health centers. They help with the relief, the pressure on emergency rooms; and they give people without any other access to health care a place to go in an emergency.

I am pleased that both gentlemen are actively pushing; and I might also tell my colleagues, we have a great ally in the President of the United States. He believes in the health center program. In fact, we were not able to do as much as he requested in his budget because of other competing needs, but I hope as this body in the years to come will continue to strengthen the health centers.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $280,490,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $464,678,000, together with not to exceed $77,845,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,934,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, $244,112,000 of which $6,944,000 to remain available until September 30, 2007, is for Frances Perkins Building Security Enhancements, and $29,760,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $311,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $194,834,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2006, of which $1,984,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $29,500,000, of which $7,500,000 shall be available for obligation for the period July 1, 2006, through June 30, 2007.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $65,211,000, together with not to exceed $5,608,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

Mr. ISSA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank the gentleman from California (Chairman LEWIS) and the gentleman from Ohio (Chairman REGULA). I planned to offer an amendment, which is at the desk, but after discussing at length the merits of it with the chairman of the full committee and the chairman of the subcommittee, we reached an understanding that the importance of women's health and, particularly, gynecological awareness, is sufficient that we will be able to make every effort to try to find dollars to move gynecological awareness through the ordinary process without an amendment.

I certainly want to thank the chairman for his help on this. I want to thank the gentleman from Michigan (Mr. LEVIN) and the gentleman from Indiana (Mr. BURTON), who also wants to quickly make a couple of comments on the effort to raise gynecological awareness, one of the great and unheard-of killers of American women.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding. Excuse my froggy voice, I have got a little bit of a cold.

This is a silent killer. Even a primary physician many times misses a woman who has a gynecological cancer, and it is something where education is extremely important, very important.

I join with my colleague in asking the chairman of the committee in conference to do whatever funding is necessary or agreeable to make sure that there is an educational process so that women are informed on what can be done to protect themselves. If they get this cancer early, 95 percent of the women can survive more than 5 years, but this year 27,000 women will die because they do not know about it.

I join with the gentleman from California (Mr. ISSA) in urging the gentleman from California (Mr. LEWIS), our chairman, to deal with this problem.

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

Mr. ISSA. I yield to the gentleman from Michigan, the coauthor of this legislation.

Mr. LEVIN. Mr. Chairman, I thank the gentleman very much for yielding,

and I want to join all of my colleagues in emphasizing the importance of this and congratulating the chairman and everybody concerned with willingness to take action on this.

As mentioned, this indeed is a serious problem. Each year about 80,000 women are diagnosed with gynecological cancers. If they are detected early, they are among the most curable. If they are not, they are among the most deadly, and so this education effort is so critical.

So I know the gentleman from California (Mr. LEWIS) cares so much about this. I do hope and trust that a way will be found to address this issue. So many lives are at stake.

Mr. ISSA. Mr. Chairman, I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman from San Diego for his bringing this item to our attention. I also thank very much the gentleman from Michigan (Mr. LEVIN) and the gentleman from Indiana (Mr. BURTON).

There is no doubt that the committee is very interested in this challenge. We intend to take their message to the conference and look forward to working with them and doing everything that is possible in the conference agreement.

Mr. ISSA. Mr. Chairman, I thank the chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $6,230,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. For purposes of chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), payments made by the New York Workers' Compensation Board to the New York Crime Victims Board and the New York State Insurance Fund before the date of the enactment of this Act shall be deemed to have been made for workers compensation programs.

This title may be cited as the ''Department of Labor Appropriations Act, 2006''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, as amended, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, $6,446,357,000, of which $39,180,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $222,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That $26,000,000 of the funding provided for Health Centers shall be used for high-need counties, notwithstanding section 330(s)(2)(B) of the Public Health Service Act: *Provided further*, That no more than $45,000,000 is available until expended for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $285,963,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $797,521,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $116,124,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. JOHNSON of Connecticut:

Page 25, line 16, after the dollar amount insert ''(increased by $11,200,000)''.

Page 29, line 1, after the dollar amount insert ''(reduced by $11,200,000)''.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendment thereto be limited to 10 minutes to be equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

Mr. OBEY. Could the Clerk reread the amendment again?

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

There was no objection.

The Clerk read the amendment.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Without objection, the gentlewoman from Connecticut (Mrs. JOHNSON) will control 5 minutes and the gentleman from California (Mr. LEWIS) will control 5 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment because one of the things that has concerned the Members of this body is the plight of the uninsured in America. The community health centers reach out to help the uninsured, and they are very effective and very important to that health care system, available to those who are either underinsured or uninsured.

But the HCAP grants are becoming equally important because they enable the community health centers to create a whole network in neighborhoods and urban communities that can reach out to the uninsured and the underinsured and bring them into the system and provide them with a patient home and the kind of support that they need.

Many of these people have chronic illnesses. Many of these people are a

very high cost to the system because they do not get care until they land in the emergency room or the hospital.

This amendment to provide some funds for the HCAP program is modest. It merely moves money from the CDC budget, from the VERB program, which is funding for an anti-obesity media campaign that is now duplicative of Federal and private sector programs. Even the Bush administration's OMB says, ''There is no longer a need for this Federal program.''

I would maintain that now that every school board is conscious of the problem of obesity and so many groups, including McDonald's, have taken on this cause, that it is not necessary to spend the Federal money on the obesity campaign; but it is absolutely crucial that we put some placeholder dollars in the budget for the HCAP program.

This program is in 45 States across the country and has already provided access to care for 6.2 million uninsured and vulnerable Americans and has placed about the same number of children and parents, children and adults, into either Medicaid or CHIP.

In Waterbury, Connecticut, the biggest city in my district, the HCAP program started only a year and a half ago. It has already provided 750 low-income city residents with case managers who help them coordinate complex care regimens, make sure they have access to low-cost medications and track their progress. This same program has enrolled 450 patients, HIV/AIDS patients and diabetes patients in the appropriate kind of management program to monitor their conditions and keep them healthy and out of the hospital, better quality of life to the patient, savings to society.

Eighty physicians because of HCAP, 80 physicians from Waterbury have signed up to provide their fair share of specialty care to this uninsured population, and the hospitals have donated lab services.

Ultimately, this HCAP grant is going to electronically provide electronic health records for 120,000 patients in the greater Waterbury area through every hospital and doctor's office so that this kind of patient coming into the system with no insurance but complex needs can immediately have their medical record accessed by their physician; their medication protocol accessed by their physician; the history of their care accessed by their physician. Therefore, the physician is able to provide to these uninsured and very ill people timely, fast, high-quality care.

So the HCAP program has been extremely helpful to building beyond the community health centers out into the community a system to provide access to medical care for uninsured people, and that is why I am so interested in the passage of my amendment that just would move a little money from a program that is at the end of its useful life into this critical area so there would be a placeholder on which we could build in conference.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Let me say to the gentlewoman, I am very empathetic to the question that she is raising. I must say that at this moment the committee is quite anxious to see us go forward with the funding in the VERB program, to measure further its effectiveness.

We are very empathetic to that which the gentlewoman is discussing, and we do intend to raise this question with the Senate. It is not an issue that will go undiscussed, and I am very hopeful as we will go forward that we will be able to be responsive to the gentlewoman's request.

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Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, does the gentleman feel confident even without any placeholder, should, say, the Senate fail to provide a placeholder, as they have in the past, that we will be able to address this in conference?

Mr. LEWIS of California. I have every reason to believe that we will be able to address it in conference.

Mrs. JOHNSON of Connecticut. Mr. Chairman, if the gentleman would continue to yield, I appreciate the good work the Committee on Appropriations and the subcommittee has done.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The Acting CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,916,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,500,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $5,945,991,000, of which $30,000,000 shall remain available until expended for equipment, and construction and renovation of facilities; of which $30,000,000 of the amounts available for immunization activities shall remain available until expended; of which $530,000,000 shall remain available until expended for the Strategic National Stockpile; and of which $123,883,000 for international HIV/AIDS shall remain available until September 30, 2007. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act:

(1) $12,794,000 to carry out the National Immunization Surveys;

(2) $3,516,000 to carry out the National Center for Health Statistics surveys;

(3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels;

(4) $463,000 for Health Marketing evaluations;

(5) $31,000,000 to carry out Public Health Research; and

(6) $87,071,000 to carry out research activities within the National Occupational Research Agenda:

Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That up to $30,000,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further*, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall

not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

AMENDMENT OFFERED BY MR. CAPUANO

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

The Clerk read as follows:

Amendment offered by Mr. CAPUANO:

Page 29, line 1, insert after the dollar amount the following: ''(increased by $5,000,000) (reduced by $5,000,000)''.

Mr. CAPUANO. Mr. Chairman, this is a very small problem, but a very big problem to a handful of small people that need our help.

Basically, there is a program now run out of the CDC. It is called Reach 2010. It allows community-based coalitions, mostly community health centers, to focus on eliminating racial and ethnic health disparities in six priority areas: infant mortality, breast and cervical cancer, cardiovascular diseases, diabetes, HIV–AIDS and child immunizations.

The reason this issue has come up is because in the last several years this program has received money from the NIH National Center For Minority Health and Health Disparities. But because of the budget crunches they have faced, they have let it be known they intend to cut back their portion of the program, which will definitely cut programs on the street that are truly helping people.

This proposal would restore that $5 million into the CDC budget by reducing another part of the budget that, even with this cut, will still be $50 million above the President's request.

I know most Members already know there are health disparities in the country, but just a few statistics to frame the debate. When it comes to infant mortality, black infants are 2.3 times more likely to die than white infants.

Cardiovascular disease, African Americans have a 30 percent higher rate of cardiovascular disease and a 41 percent higher rate of strokes. Just today, a coalition of health care providers in Boston came out with a study that confirmed what everybody knew. The black men in Boston die, on average, 5 years sooner than white men. Blacks are twice as likely to die from diabetes as whites.

Again, these are not new statistics, this is not a new issue to people. It is an issue we have been trying to deal with, and because of the budget crunch so many people are facing, this particular program faces a small, yet important cut that we are trying to restore.

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

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

Mr. OBEY. Mr. Chairman, let me say I think the gentleman's amendment is a good one. It is an important program and an important initiative, and I would hope that the committee would accept it.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I very much appreciate the gentleman from Massachusetts (Mr. CAPUANO) bringing this to our attention. The gentleman knows the difficulty we are facing in terms of funding overall, but it was very significant that the gentleman brought this matter to the committee's attention, and your advocacy is going to be very helpful to us as we go to conference.

Mr. CAPUANO. Mr. Chairman, I ask unanimous consent to withdraw the amendment, understanding that this is an issue that has sort of crept up on Members, and the chairman will do his best.

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

There was no objection.

The Acting CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,841,774,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,951,270,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $393,269,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,722,146,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,550,260,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,359,395,000: *Provided*, That up to $30,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,955,170,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,277,544,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $673,491,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $647,608,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,057,203,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $513,063,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $397,432,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $138,729,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $440,333,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,010,130,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,417,692,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $490,959,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $299,808,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,100,203,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $122,692,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $197,379,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $67,048,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications,

$318,091,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $482,216,000, of which up to $10,000,000 shall be used to carry out section 217 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That in addition to the transfer authority provided above, a uniform percentage of the amounts appropriated in this Act to each Institute and Center may be transferred and utilized for the National Institutes of Health Roadmap for Medical Research: *Provided further*, That the amount utilized under the preceding proviso shall not exceed $250,000,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts transferred and utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap for Medical Research from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap through the normal research priority-setting process of individual Institutes and Centers: *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $81,900,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act (''PHS Act'') with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,230,744,000: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act:

(1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX;

(2) $21,803,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX;

(3) $16,000,000 to carry out national surveys on drug abuse; and

(4) $4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $318,695,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That no amount shall be made available pursuant to section 927(c) of the Public Health Service Act for fiscal year 2006.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $156,954,419,000, to remain available until expended.

For making, after May 31, 2006, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2006 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2007, $62,783,825,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D–16, and 1860D–31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $177,742,200,000.

In addition, for making matching payments under section 1844, and benefit payments under 1860D–16 and 1860D–31 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,180,284,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $24,205,000, to remain available until September 30, 2007, is for contract costs for CMS's Systems Revitalization Plan: *Provided further*, That $79,934,000, to remain available until September 30, 2007, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2006 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2006, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,121,643,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2007, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation

Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

Mr. SHIMKUS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in 1992 this Congress passed the Energy Policy Act of 1992. In that act was a requirement that all Federal agencies have to make sure that 75 percent of all vehicles they purchase each year are alternatively fueled vehicles. These vehicles run on ethanol or biodiesel or other alternatives fuels. However, very few agencies are actually meeting this requirement. In fact, highlighted in a recent lawsuit, the Federal Government was found not to be in compliance with the act, but no agency did worse than the Department of Labor last year. The Department of Labor was only able to achieve a 19 percent goal.

The goal of EPAct was to reduce our dependence on foreign oil by 30 percent by 2010. The department only purchased 5,000 gallons of E85 and 200 gallons of biodiesel, yet it purchased over 5.3 million gallons of gasoline and diesel fuel. Not only is this bad in terms of helping us reduce our dependence on foreign oil, it is also a bad fiscal move as E85 is selling for less than regular gasoline in many areas of the country.

Mr. Chairman, it is my hope that when this bill is in conference, some language can be added that will encourage the department to do a better job at meeting the requirements set forth by Congress to help reduce our dependence on foreign oil. How can we expect the average consumer to reduce oil use when we cannot even get our own Federal agencies to take the steps necessary to make our Nation more secure?

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

Mr. SHIMKUS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman from Illinois makes a very good point. We should be leading the way. The Federal Government should be a model. With the energy problems that confront us, we have to look to alternative fuels as one of the ways through which this can be achieved. I commend the gentleman for his comments and hope that the Department of Labor is listening.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,984,799,000.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107–296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108–179), $560,919,000, of which up to $9,915,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108–193): *Provided,* That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2006 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2008.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,082,910,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided,* That $18,967,040 shall be available for child care resource and referral and school-aged child care activities, of which $992,000 shall be for the Child Care Aware toll-free hotline: *Provided further,* That, in addition to the amounts required to be reserved by the States under section 658G, $270,490,624 shall be reserved by the States for activities authorized under section 658G, of which $99,200,000 shall be for activities that improve the quality of infant and toddler care: *Provided further,* That $9,920,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided,* That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,688,707,000, of which $31,846,000, to remain available until September 30, 2007, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed before September 30, 2006: *Provided,* That $6,899,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2006, and remain available through September 30, 2007: *Provided further,* That $384,672,000 shall be for making payments under the Community Services Block Grant Act: *Provided further,* That not less than $7,242,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further,* That in addition to amounts provided herein, $8,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further,* That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further,* That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further,* That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further,* That $75,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further,* That $14,879,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $9,919,000 shall be for payments to States to promote access for voters with disabilities, and of which $4,960,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further,* That $110,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further,* That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further,* That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: *Provided further,* That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further,* That $2,000,000

shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $99,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,852,800,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2007, $1,730,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,376,217,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act $338,695,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $39,552,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided,* That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further,* That of this amount, $52,415,000 shall be for minority AIDS prevention and treatment activities; and $5,952,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

MEDICARE APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $60,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Funds.

HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $58,100,000: *Provided,* That in addition to amounts provided herein, $16,900,000 shall be available from amounts under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,813,000: *Provided,* That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $31,682,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine, $183,589,000: *Provided,* That $120,000,000 of amounts available for influenza preparedness shall remain available until expended: *Provided further,* That, in addition to the amount above, $8,589,000 shall be transferred from amounts appropriated under the head ''Disease Control, Research, and Training'' for activities authorized by section 319F–2(a) of the Public Health Service Act to be utilized consistent with section 319F–2(c)(7)(B)(ii) of such Act.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.3 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further,* That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided,* That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how

to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2006, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2006 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2005, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2005 State expenditures and all fiscal year 2006 obligations for tobacco prevention and compliance activities by program activity by July 31, 2006.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2006.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2006, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap for Medical Research.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to ''Disease Control, Research, and Training,'' to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 219. $15,912,000 of the unobligated balance of the Health Professions Student Loan program authorized in subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Service Act is rescinded.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2006''.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $14,728,735,000, of which $7,144,426,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $7,383,301,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That $6,934,854,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,472,000 of these funds shall be available to the Secretary of Education on October 1, 2005, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That $2,269,843,000 shall be available for targeted grants under section 1125: *Provided further*, That $2,269,843,000 shall be available for education finance incentive grants under section 1125A: *Provided further*, That $9,424,000 shall be available to carry out part E of title I: *Provided further*, That $10,000,000 shall be available for comprehensive school reform grants under part F of the ESEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,240,862,000, of which $1,102,896,000 shall be for basic support payments under section 8003(b), $49,966,000 shall be for payments for children with disabilities under section 8003(d), $18,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2007, $65,000,000 shall be for Federal property payments under section 8002, and $5,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2005–2006, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, part B of title IV, part A of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,393,765,000, of which $3,805,882,000 shall become available on July 1, 2006, and remain available through September 30, 2007, and of which $1,435,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That $411,680,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: *Provided further*, That $56,825,000 shall be available to carry out section 203 of the Educational

Technical Assistance Act of 2002: *Provided further*, That $12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and $6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $119,889,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (''ESEA''), $708,522,000: *Provided*, That $36,981,000 shall be for subpart 2 of part B of title V: *Provided further*, That $127,000,000 shall be available to carry out part D of title V of the ESEA, of which $100,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of (1) a local educational agency, a State, or both and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need areas: *Provided further*, That such performance-based compensation systems must consider gains in student achievement, among other factors, and may reward educators who choose to work in hard-to-staff schools: *Provided further*, That up to $700,000 of the funds available under title V, part D, subpart 1 of the ESEA may be used for evaluation of the program carried out under the DC School Choice Incentive Act of 2003.

□ 1630

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. PUTNAM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010), 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, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, I ask unanimous consent that, during further consideration in the Committee of the Whole of H.R. 3010 pursuant to House Resolution 337, notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, may be offered except pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, the additional amendments specified in this order, and amendments en bloc specified in this order; it shall be in order at any time for the chairman of the Committee on Appropriations or a designee, after consultation with the ranking minority member of the Committee on Appropriations, to offer amendments en bloc as follows: Amendments en bloc shall consist of amendments that may be offered under this order, or germane modifications of any such amendment; such amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; all points of order against such amendments en bloc are waived; the original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The additional amendments specified in this order are as follows:

amendments printed in the CONGRESSIONAL RECORD and numbered 1, 2, 4, 5, 8, 10, 11, 14, 15, 16, 17, and 24;

an amendment by the gentleman from Iowa (Mr. KING) regarding coverage of certain drugs;

an amendment by the gentlewoman from Connecticut (Ms. DELAURO) regarding enforcement of certain compliance agreements;

an amendment by the gentleman from New York (Mr. ENGEL) regarding grants under the Public Health Service Act;

an amendment by the gentleman from Wisconsin (Mr. KIND) regarding designations of critical access hospitals;

an amendment by the gentleman from California (Mr. WAXMAN) regarding certain appointments to Federal advisory committees;

an amendment by the gentleman from California (Mr. GEORGE MILLER) regarding United Airline pension plans;

an amendment by the gentleman from New York (Mr. HINCHEY) regarding the content or distribution of public telecommunications programs and services under the Communications Act of 1934;

an amendment by the gentleman from California (Mr. HONDA) regarding military recruiters;

an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding funding levels and income tax rates;

an amendment by the gentleman from Maryland (Mr. VAN HOLLEN) regarding special allowances under the Higher Education Act;

an amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding interoperable information technology;

an amendment by the gentleman from Ohio (Mr. BROWN) regarding funding for the Medicaid Commission;

amendments by the gentleman from Ohio (Mr. REGULA) regarding veterans programs of the Department of Labor, LIHEAP, section 503 of H.R. 3010, or a limitation on the use of certain education funds; and

an amendment by the gentleman from Georgia (Mr. PRICE) regarding funding for certain education programs.

Each additional amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and an amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, I think the Members need to understand what is happening. As we indicated at the beginning of the debate, the gentleman from Ohio and I were trying to work things out so that we could finish debate on this bill this afternoon. That, unfortunately, has not been possible. We have had quite a bit of cooperation from some Members and quite a bit less from others. As a result, it appears that at this moment we still have 26 amendments to consider. As you know, there is an event which some Members of the Congress feel required to attend tonight, not the gentleman from Ohio and not the gentleman from Wisconsin, but because of that event, we are going to be required to begin voting very shortly. An offer was made to continue to debate this bill throughout that event, allowing Members to return afterwards, but that offer was not accepted, and so the problem we have now is that, despite our best efforts, we will be here tomorrow, and, if this unanimous consent agreement is accepted, we might be finished by 3 or 4 o'clock.

Mr. Speaker, I want to say one other thing. I would ask Members in the future if they are offering amendments

to any appropriations bill to please be attentive enough to what is going on on the floor so that we do not pass their amendment in the reading of the bill. If we do that, then there are misunderstandings, somebody thinks somebody else was double-crossed or misled, and we wind up with frayed tempers. The committee cannot be expected to take care of Members who do not take care of their own interests.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 337 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3010.

□ 1643

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3010) 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, with Mr. TERRY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open for amendment from page 68, line 21, through page 69, line 19.

The Chair will describe the supplemental order of the House after disposing of unfinished business.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment offered by the gentleman from Wisconsin (Mr. OBEY), amendment offered by the gentleman from New York (Mr. OWENS), an amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 140, not voting 9, as follows:

[Roll No. 305]

AYES—284

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hart
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—140

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Chabot
Chocola
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Emerson
Everett
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline
Knollenberg
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCrery
McHenry
McKeon
McMorris
Mica
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Pitts
Poe
Pombo
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Turner
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—9

Bass
Boyd
Davis, Tom
Harman
Lewis (GA)
Meek (FL)
Ryan (OH)
Udall (NM)
Wilson (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1706

Messrs. CALVERT, ROGERS of Michigan, HEFLEY, COLE of Oklahoma, and McKEON changed their vote from ''aye'' to ''no.''

Messrs. BRADLEY of New Hampshire, MURPHY, and SODREL, and Mrs. JO ANN DAVIS of Virginia changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. HARRIS. Mr. Chairman, on rollcall No. 305, the Obey Amendment, I was recorded as voting "no" and wished to vote "aye."

AMENDMENT OFFERED BY MR. OWENS

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 206, noes 216, not voting 11, as follows:

[Roll No. 306]

AYES—206

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

NOES—216

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

NOT VOTING—11

Bass
Boyd
Davis, Tom
Harman
Jones (NC)
Lewis (GA)
Meek (FL)
Meeks (NY)
Reyes
Udall (NM)
Wilson (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1714

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 161, noes 262, not voting 10, as follows:

[Roll No. 307]

AYES—161

Akin
Barrow
Bean
Beauprez
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Boozman
Boren
Bradley (NH)
Brady (TX)
Brown (SC)
Burton (IN)
Butterfield
Camp
Cannon
Capito
Case
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Cooper
Costello
Cubin
Davis (CA)
Davis (TN)
Davis, Jo Ann
Drake
Duncan
Edwards
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Gohmert
Gordon
Graves
Green (WI)
Green, Al
Gutierrez
Gutknecht
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Inslee
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
Kingston
Kirk
Kline
Kuhl (NY)
Langevin
Latham
Leach
Lewis (KY)
Lipinski
Lungren, Daniel E.
Manzullo
Markey
Matheson
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McIntyre
McMorris
Meehan
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Neugebauer
Nussle
Osborne
Otter
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Ramstad
Reichert
Renzi
Rohrabacher
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shays
Simmons
Simpson
Smith (WA)
Souder
Stearns
Tanner
Taylor (NC)
Terry
Tierney
Udall (CO)
Upton
Walden (OR)
Wasserman Schultz
Weiner
Weldon (PA)
Weller
Westmoreland
Wu
Young (AK)

NOES—262

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boustany
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle

Chabot
Clay
Clyburn
Conaway
Conyers
Costa
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Ehlers
Emanuel
Emerson
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frelinghuysen
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Granger
Green, Gene
Grijalva
Hall
Harris
Hastings (FL)
Hastings (WA)
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hoyer
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick (MI)
King (NY)
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Marchant
Marshall
Matsui
McCarthy
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Payne
Pelosi
Peterson (PA)
Pombo
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—10

Barrett (SC)
Bass
Boyd
Davis, Tom
Harman
Lewis (GA)
Meek (FL)
Reyes
Udall (NM)
Wilson (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). There are 2 minutes remaining in this vote.

□ 1722

Mr. PORTER and Miss McMORRIS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. Pursuant to the order of the House of today, no further amendment to the bill, as amended, may be offered except pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, the additional amendments specified in the order, and amendments en bloc specified in this order.

It shall be in order at any time for the chairman of the Committee on Appropriations or a designee, after consultation with the ranking minority member of the Committee on Appropriations, to offer amendments en bloc consisting of amendments that may be offered under the order, or germane modifications of any such amendment. Such amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The additional amendments specified in the order are:

amendments printed in the CONGRESSIONAL RECORD and numbered 1, 2, 4, 5, 8, 10, 11, 14, 15, 16, 17, and 24;

an amendment by the gentleman from Iowa (Mr. KING) regarding coverage of certain drugs;

an amendment by the gentlewoman from Connecticut (Ms. DELAURO) regarding enforcement of certain compliance agreements;

an amendment by the gentleman from New York (Mr. ENGEL) regarding grants under the Public Health Service Act;

an amendment by the gentleman from Wisconsin (Mr. KIND) regarding designations of critical access hospitals;

an amendment by the gentleman from California (Mr. WAXMAN) regarding certain appointments to Federal advisory committees;

an amendment by the gentleman from California (Mr. GEORGE MILLER) regarding United Airline pension plans;

an amendment by the gentleman from New York (Mr. HINCHEY) regarding the content or distribution of public telecommunications programs and services under the Communications Act of 1934;

an amendment by the gentleman from California (Mr. HONDA) regarding military recruiters;

an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding funding levels and income tax rates;

an amendment by the gentleman from Maryland (Mr. VAN HOLLEN) regarding special allowances under the Higher Education Act;

an amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding interoperable information technology;

an amendment by the gentleman from Ohio (Mr. BROWN) regarding funding for the Medicaid Commission;

amendments by the gentleman from Ohio (Mr. REGULA) regarding veterans programs of the Department of Labor, LIHEAP, section 503 of H.R. 3010, or a limitation on the use of certain education funds; and

an amendment by the gentleman from Georgia (Mr. PRICE) regarding funding for certain education programs.

Each additional amendment may be offered only by the Member named in the request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Mr. REGULA. Mr. Chairman, I move to strike the last word and yield to the gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Chairman, I rise today to request that in lieu of offering my amendment, which will provide that a small portion of the $50 million in health information technology grants that are already allocated to the agency for health care research and quality are designated to small and rural hospitals to implement bedside bar-coded medication technology, that we agree to work together to achieve improvements in health care quality by implementing technology initiatives in our small and rural hospitals.

Mr. Chairman, quality of health care is the driving force for implementing technological changes in the administration of medications in hospitals. More than one-third of adverse drug events occur during the administration to patients.

The estimated cost of preventable errors in the inpatient setting is a staggering $2 billion annually. Hand-held devices that scan bar codes on medication bags, patient wristbands, and nurse badges can help eliminate those errors by tracking medical information and alerting hospital staff before a mistake is made.

In fact, a study by the University of Wisconsin shows that medication-dispensing errors can be reduced from 1.43 percent 0.13 percent with the use of bar code technology. Unfortunately, the penetration of these devices is small. Less than 10 percent of hospitals have implemented such systems.

The second driving force for implementing bar code technology is cost. The cost burden relative to the ever-rising demand for health care is not going to be met without implementing

technological advancements in health care organizations.

The United States spends over $1.2 trillion a year on health care. We could have a dramatic impact on reducing the amount of paperwork on the administrative side by using bar code technology that automatically captures patient data and eliminates some of the costly administrative burdens that take hospital staff away from patient care.

Moreover, the quality of life in rural America depends on having access to quality, affordable health care.

Mr. Chairman, will you agree to work with me to improve the quality of health care in small and rural hospitals as this bill moves forward in the legislative process?

□ 1730

Mr. REGULA. Yes. I thank the gentleman for bringing this important issue to my attention and to the attention of the House of Representatives.

I agree that the quality of health care in rural America is an important issue. And regrettably in a tight fiscal environment, some reductions have been made to rural health care programs. I look forward to working with the gentleman to help find funding streams from which to draw from to help improve the technology available to patients of health care providers in rural America.

Mr. JINDAL. I thank the gentleman.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MARCHANT) having assumed the chair, Mr. TERRY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010) 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, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, I was unavoidably detained yesterday on official business.

Had I been here, I would have cast the following votes: Roll Call 297, no. Roll Call 298, no. Roll Call 299, aye. Roll Call 300, no. Roll Call 301, no. Roll Call 302, aye. Roll Call 303, no. Roll Call 304, no.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 24, 2005, TO FILE A REPORT ON H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Friday, June 24, 2005, to file a report to accompany the bill H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2567

Mr. FARR. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2567.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 415

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 415.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained and I missed Roll Call vote 259. Had I been present I would have voted nay.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidably detained and I missed several votes. Had I been present I would have voted the following: Roll Call vote 293, aye. Roll Call vote 294, no. Roll Call vote 295, no. Roll Call vote 296, nay. Roll Call vote 297, no. Roll Call vote 298, no. Roll Call vote 299, aye. Roll Call vote 300, no. Roll Call vote 301, no. Roll call vote 302, aye. Roll Call vote 303, aye.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SAVE PUBLIC BROADCASTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. CHANDLER) is recognized for 5 minutes.

Mr. CHANDLER. Mr. Speaker, it was with alarm and a great sense of shock that I learned of the proposal to cut public broadcasting. Public broadcasting provides unbiased, in-depth coverage of public policy issues, exposure to the arts and culture, and quality family-friendly educational program.

Cutting funding for public broadcasting would damage the fabric of public discourse and citizen oversight, the very basis of representative government. By encouraging and informing public debate, public broadcasting makes a lasting contribution to community across the country and has historically enjoyed broad bipartisan support.

In Kentucky, Governors from both parties have worked with Kentucky Educational Television to create the largest PBS member network in America, serving 640,000 Kentuckians each week. The proposed cut that we debated today would have had a crippling impact on the ability of KET and other public broadcasters to inform the public and enrich the curriculum taught to school children in the district of every single Member of this body.

The question on everyone's minds was why?

As educators and parents across our Nation contend with inadequate resources for public schools, why drastically scale back support for programming that enhances basic education and provides many students, especially those in rural schools, with their only exposure to the arts, music and the humanities? As policymakers work to improve early childhood education, why eliminate support for good programs like Sesame Street and Clifford the Big Red Dog which improve reading and literacy skills for millions of children?

As parents express concern about indecent content in the shows that their children watch, why turn our back on the only station I can allow my three children, Lucie, Albert and Branham, to watch without supervision?

And as the public seeks refuge from an increasingly disappointing, and, in some cases, outright partisan media, why rescind support for highly respected objective news programs like the NewsHour with Jim Lehrer and Frontline?

Why cripple excellent radio stations like WUKY and WEKU in my district, jeopardizing shows like Morning Edition and All Things Considered?

Why indeed? I cannot answer such questions. The very notion of turning away from the future of public broadcasting is preposterous. I am fearful this is an administration effort to either censor public broadcasters or intimidate them into favorably reporting on the current administration. I sincerely hope not. Objectivity and facts know nothing of partisan politics.

The opponents of public broadcasting should take note, we will never stop fighting to preserve public broadcasting's independence. Public broadcasting is a true civic treasury, a shining example of what good government policy can do to improve our quality of life and strengthen the American Republic by engaging citizens in public affairs.

As Thomas Jefferson once said, Whenever people are well informed, they can be trusted with their own government.

Maintaining our commitment to public broadcasting will help keep the very people who elect us well informed, and in doing so, help to promote the integrity and proper functioning of this very body itself.

I applaud the Members of this body who rose to the defense of public broadcasting earlier today by voting to restore funding to a cherished American institution.

HONORING ARMY SPECIALIST STANLEY ''STOSH'' LAPINSKI

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, it is with a heavy heart that I rise today to express condolences of a grateful Nation.

I rise to honor the life of Army Specialist Stanley, also known as Stosh, Lapinski. Specialist Lapinski was a recent victim of a terrorist roadside bomb.

During his last conversation before he was killed, Sergeant Lapinski told his parents not to worry about him and he would be fine.

While Stosh did not make it home from Iraq, I am honored to join the Lapinski family for his burial at Arlington National Cemetery next week.

A grateful Nation has brought him home to the honors and accolades he well deserves.

Nothing I could say today would heal the wounds of the Lapinski family. After speaking to them, however, I can tell you that they want their son's sacrifice to be remembered for the good and honorable actions he was doing in Iraq.

His service showed the true American spirit. While the Lapinskis lost their son, they know that he died preserving and fighting for democracy.

Mr. Speaker, I ask all Americans to join me in honoring a true American hero.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Is there objection to the request of the gentleman from Indiana?

There was no objection.

MERCURY AND AUTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I have been down here a lot talking about autism over the years and my committee had many hearings on the issue of autism. My grandson became autistic after receiving 9 shots in one day, 7 of which contained mercury, in a product called thimerosal. And he is doing better but it has been a very difficult time for me and my family.

I strongly believe that there is a link between the mercury that is in the thimerosal in the vaccines and children developing neurological disorders such as autism. In fact, according to a recent study released by collaboration of U.S. medical researchers from Johns Hopkins University, Northeastern University in Boston, and the University of Nebraska and Tufts University that was published in the Vancouver Sun in February of last year and was officially released in the April 2004 edition of the scientific journal Molecular Psychiatry, ''A recent review of vaccine-related adverse events in the U.S. found a significant correlation between shots containing thimerosal,'' i.e. mercury ''and autism.''

The study further concluded that the use of thimerosal-containing shots could account for the rising rates of autism since the early 1980s when more thimerosal-containing vaccinations were added to the government-mandated childhood vaccination schedule.

Scientific evidence aside, we have seen an increase from 1 in 10,000 children who are autistic to 1 in 166 since they started using thimerosal in many, many vaccines in the early eighties and children started getting more of these shots.

I am not against vaccinations but I do believe, as many of my colleagues, including the gentleman from Florida (Mr. WELDON) believe, that mercury should be taken out of all childhood vaccines and in fact all vaccines.

We need to ask ourselves one simple question: What is right? The answer I think is very clear. Get mercury out of all vaccinations.

In reality the answer that is given by far too many officials in our government, health agencies and some Members of Congress, sorry, we cannot help you, and the need to protect the pharmaceutical industry is so great, we cannot do much about it.

□ 1745

Some in my party keep talking about changing the law to protect the drug companies against so-called frivolous lawsuits, and we have to do something to help these families who had their children damaged by the mercury vaccines. I am against class action lawsuits in general. I am for tort reform, but we have got to do something to help these families.

We have tried to talk to the pharmaceutical industry about protecting them while at the same time changing the Vaccine Injury Compensation Fund in a way that will protect these families and help those who have been damaged, but so far we have gotten absolutely nowhere with them; and it is something I think we need to continue to work on.

Just recently, there was an article that was published in a magazine I normally do not read. It is called Rolling Stone, but this article was brought to my attention, and I think everybody in this body ought to read that article. It was written by Robert F. Kennedy, Jr., somebody who I normally do not read, but I have to tell my colleagues it is a very well-written article. It goes into great detail and scientific research studies on mercury-connected mental disorders caused by the thimerosal in the mercury in these vaccinations.

I would submit to all my colleagues they really need to read this article. I am going to send a Dear Colleague out to all of my colleagues in the House and the Senate over the next couple of days. It is a fairly lengthy article, but it goes into how government officials met with pharmaceutical company officials and deliberately covered up the connection, deliberately covered up the connection between the thimerosal in vaccines and the problems that are being created, neurological problems that have been created in these children, including autism.

All of my colleagues ought to read this and realize that we have had a collaboration between health officials in our government and the pharmaceutical industry to protect themselves from class action lawsuits at the expense of these young kids and families who have been damaged by neurological disorders, including autism.

So I submit to my colleagues who may be in their offices or here tonight, please read this article. It is extremely important. I do not want to hurt the pharmaceutical industry. I would like to protect them from class action lawsuits; but at the same time, we need to change that Vaccine Injury Compensation Fund to take care of these kids that have been damaged and help their families.

DEADLY IMMUNITY

(By Robert F. Kennedy, Jr.)

JUNE 16, 2005.—In June 2000, a group of top government scientists and health officials gathered for a meeting at the isolated Simpsonwood conference center in Norcross, Ga. Convened by the Centers for Disease Control and Prevention, the meeting was held at this Methodist retreat center, nestled in wooded farmland next to the Chattahoochee River, to ensure complete secrecy. The agency had issued no public announcement of the session—only private invitations to 52 attendees. There were high-level officials from the CDC and the Food and Drug Administration, the top vaccine specialist from the World Health Organization in Geneva, and representatives of every major vaccine manufacturer, including GlaxoSmithKline, Merck, Wyeth and Aventis Pasteur. All of the scientific data under discussion, CDC officials repeatedly reminded the participants, was strictly ''embargoed.'' There would be no

making photocopies of documents, no taking papers with them when they left.

The federal officials and industry representatives had assembled to discuss a disturbing new study that raised alarming questions about the safety of a host of common childhood vaccines administered to infants and young children. According to a CDC epidemiologist named Tom Verstraeten, who had analyzed the agency's massive database containing the medical records of 100,000 children, a mercury based preservative in the vaccines—thimerosal—appeared to be responsible for a dramatic increase in autism and a host of other neurological disorders among children. ''I was actually stunned by what I saw,'' Verstraeten told those assembled at Simpsonwood, citing the staggering number of earlier studies that indicate a link between thimerosal and speech delays, attention-deficit disorder, hyperactivity and autism. Since 1991, when the CDC and the FDA had recommended that three additional vaccines laced with the preservative be given to extremely young infants—in one case, within hours of birth—the estimated number of cases of autism had increased fifteen fold, from one in every 2,500 children to one in 166 children.

Even for scientists and doctors accustomed to confronting issues of life and death, the findings were frightening. ''You can play with this all you want,'' Dr. Bill Weil, a consultant for the American Academy of Pediatrics, told the group. The results ''are statistically significant.'' Dr. Richard Johnston, an immunologist and pediatrician from the University of Colorado whose grandson had been born early on the morning of the meeting's first day, was even more alarmed. ''My gut feeling?'' he said. ''Forgive this personal comment—I do not want my grandson to get a thimerosal-containing vaccine until we know better what is going on.''

But instead of taking immediate steps to alert the public and rid the vaccine supply of thimerosal, the officials and executives at Simpsonwood spent most of the next two days discussing how to cover up the damaging data. According to transcripts obtained under the Freedom of Information Act, many at the meeting were concerned about how the damaging revelations about thimerosal would affect the vaccine industry's bottom line.

''We are in a bad position from the standpoint of defending any lawsuits,'' said Dr. Robert Brent, a pediatrician at the Alfred I. duPont Hospital for Children in Delaware. ''This will be a resource to our very busy plaintiff attorneys in this country.'' Dr. Bob Chen, head of vaccine safety for the CDC, expressed relief that'' given the sensitivity of the information, we have been able to keep it out of the hands of, let's say, less responsible hands.'' Dr. John Clements, vaccines advisor at the World Health Organization, declared flatly that the study ''should not have been done at all'' and warned that the results ''will be taken by others and will be used in ways beyond the control of this group. The research results have to be handled.''

In fact, the government has proved to be far more adept at handling the damage than at protecting children's health. The CDC paid the Institute of Medicine to conduct a new study to whitewash the risks of thimerosal, ordering researchers to ''rule out'' the chemical's link to autism. It withheld Verstraeten's findings, even though they had been slated for immediate publication, and told other scientists that his original data had been ''lost'' and could not be replicated. And to thwart the Freedom of Information Act, it handed its giant database of vaccine records over to a private company, declaring it off-limits to researchers. By the time Verstraeten finally published his study in 2003, he had gone to work for GlaxoSmithKline and reworked his data to bury the link between thimerosal and autism.

Vaccine manufacturers had already begun to phase thimerosal out of injections given to American infants—but they continued to sell off their mercury-based supplies of vaccines until last year. The CDC and FDA gave them a hand, buying up the tainted vaccines for export to developing countries and allowing drug companies to continue using the preservative in some American vaccines—including several pediatric flu shots as well as tetanus boosters routinely given to 11-year-olds.

The drug companies are also getting help from powerful lawmakers in Washington. Senate Majority Leader BILL FRIST, who has received $873,000 in contributions from the pharmaceutical industry, has been working to immunize vaccine makers from liability in 4,200 lawsuits that have been filed by the parents of injured children. On five separate occasions, FRIST has tried to seal all of the government's vaccine-related documents—including the Simpsonwood transcripts—and shield Eli Lilly, the developer of thimerosal, from subpoenas. In 2002, the day after Frist quietly slipped a rider known as the ''Eli Lilly Protection Act'' into a homeland security bill, the company contributed $10,000 to his campaign and bought 5,000 copies of his book on bioterrorism. Congress repealed the measure in 2003—but earlier this year, Frist slipped another provision into an anti-terrorism bill that would deny compensation to children suffering from vaccine-related brain disorders. ''The lawsuits are of such magnitude that they could put vaccine producers out of business and limit our capacity to deal with a biological attack by terrorists,'' says Andy Olsen, a legislative assistant to Frist.

Even many conservatives are shocked by the government's effort to cover up the dangers of thimerosal. Rep. Dan Burton, a Republican from Indiana, oversaw a three-year investigation of thimerosal after his grandson was diagnosed with autism. ''Thimerosal used as a preservative in vaccines is directly related to the autism epidemic,'' his House Government Reform Committee concluded in its final report. ''This epidemic in all probability may have been prevented or curtailed had the FDA not been asleep at the switch regarding a lack of safety data regarding injected thimerosal, a known neurotoxin.'' The FDA and other public-health agencies failed to act, the committee added, out of ''institutional malfeasance for self protection'' and ''misplaced protectionism of the pharmaceutical industry.''

The story of how government health agencies colluded with Big Pharmacy to hide the risks of thimerosal from the public is a chilling case study of institutional arrogance, power and greed. I was drawn into the controversy only reluctantly. As an attorney and environmentalist who has spent years working on issues of mercury toxicity, I frequently met mothers of autistic children who were absolutely convinced that their kids had been injured by vaccines. Privately, I was skeptical. I doubted that autism could be blamed on a single source, and I certainly understood the government's need to reassure parents that vaccinations are safe; the eradication of deadly childhood diseases depends on it. I tended to agree with skeptics like Rep. Henry Waxman, a Democrat from California, who criticized his colleagues on the House Government Reform Committee for leaping to conclusions about autism and vaccinations. ''Why should we scare people about immunization,'' Waxman pointed out at one hearing, ''until we know the facts?''

It was only after reading the Simpsonwood transcripts, studying the leading scientific research and talking with many of the nation's preeminent authorities on mercury that I became convinced that the link between thimerosal and the epidemic of childhood neurological disorders is real. Five of my own children are members of the Thimerosal Generation—those born between 1989 and 2003—who received heavy doses of mercury from vaccines. ''The elementary grades are overwhelmed with children who have symptoms of neurological or immune-system damage,'' Patti White, a school nurse, told the House Government Reform Committee in 1999. ''Vaccines are supposed to be making us healthier; however, in 25 years of nursing I have never seen so many damaged, sick kids. Something very, very wrong is happening to our children.'' More than 500,000 kids currently suffer from autism, and pediatricians diagnose more than 40,000 new cases every year. The disease was unknown until 1943, when it was identified and diagnosed among children born in the months after thimerosal was first added to baby vaccines in 1931.

Some skeptics dispute that the rise in autism is caused by thimerosal-tainted vaccinations. They argue that the increase is a result of better diagnosis—a theory that seems questionable at best, given that most of the new cases of autism are clustered within a single generation of children. ''If the epidemic is truly an artifact of poor diagnosis,'' scoffs Dr. Boyd Haley, one of the world's authorities on mercury toxicity, ''then where are all the 20-year-old autistics?'' Other researchers point out that Americans are exposed to a greater cumulative ''load'' of mercury than ever before, from contaminated fish to dental fillings, and suggest that thimerosal in vaccines may be only part of a much larger problem. It's a concern that certainly deserves far more attention than it has received—but it overlooks the fact that the mercury concentrations in vaccines dwarf other sources of exposure to our children.

What is most striking is the lengths to which many of the leading detectives have gone to ignore—and cover up—the evidence against thimerosal. From the very beginning, the scientific case against the mercury additive has been overwhelming. The preservative, which is used to stem fungi and bacterial growth in vaccines, contains ethylmercury, a potent neurotoxin. Truckloads of studies have shown that mercury tends to accumulate in the brains of primates and other animals after they are injected with vaccines—and that the developing brains of infants are particularly susceptible. In 1977, a Russian study found that adults exposed to much lower concentrations of ethylmercury than those given to American children still suffered brain damage years later. Russia banned thimerosal from children's vaccines 20 years ago, and Denmark, Austria, Japan, Great Britain and all the Scandinavian countries have since followed suit.

''You couldn't even construct a study that shows thimerosal is safe,'' says Haley, who heads the chemistry department at the University of Kentucky. ''It's just too darn toxic. If you inject thimerosal into an animal, its brain will sicken. If you apply it to living tissue, the cells die. If you put it in a petri dish, the culture dies. Knowing these things, it would be shocking if one could inject it into an infant without causing damage.''

Internal documents reveal that Eli Lilly, which first developed thimerosal, knew from the start that its product could cause damage—and even death—in both animals and humans. In 1930, the company tested thimerosal by administering it to 22 patients with terminal meningitis, all of whom died within weeks of being injected—a fact Lilly didn't

bother to report in its study declaring thimerosal safe. In 1935, researchers at another vaccine manufacturer, Pittman-Moore, warned Lilly that its claims about thimerosal's safety ''did not check with ours.'' Half the dogs Pittman injected with thimerosal-based vaccines became sick, leading researchers there to declare the preservative ''unsatisfactory as a serum intended for use on dogs.''

In the decades that followed, the evidence against thimerosal continued to mount. During the Second World War, when the Department of Defense used the preservative in vaccines on soldiers, it required Lilly to label it ''poison.'' In 1967, a study in Applied Microbiology found that thimerosal killed mice when added to injected vaccines. Four years later, Lilly's own studies discerned that thimerosal was ''toxic to tissue cells'' in concentrations as low as one part per million—100 times weaker than the concentration in a typical vaccine. Even so, the company continued to promote thimerosal as ''nontoxic'' and also incorporated it into topical disinfectants. In 1977, 10 babies at a Toronto hospital died when an antiseptic preserved with thimerosal was dabbed onto their umbilical cords.

In 1982, the FDA proposed a ban on over-the-counter products that contained thimerosal, and in 1991 the agency considered banning it from animal vaccines. But tragically, that same year, the CDC recommended that infants be injected with a series of mercury-laced vaccines. Newborns would be vaccinated for hepatitis B within 24 hours of birth, and 2-month-old infants would be immunized for haemophilus influenzae B and diphtheria-tetanus-pertussis.

The drug industry knew the additional vaccines posed a danger. The same year that the CDC approved the new vaccines, Dr. Maurice Hilleman, one of the fathers of Merck's vaccine programs, warned the company that 6-month-olds who were administered the shots would suffer dangerous exposure to mercury. He recommended that thimerosal be discontinued, ''especially when used on infants and children,'' noting that the industry knew of nontoxic alternatives. ''The best way to go,'' he added, ''is to switch to dispensing the actual vaccines without adding preservatives.''

For Merck and other drug companies, however, the obstacle was money. Thimerosal enables the pharmaceutical industry to package vaccines in vials that contain multiple doses, which require additional protection because they are more easily contaminated by multiple needle entries. The larger vials cost half as much to produce as smaller, single-dose vials, making it cheaper for international agencies to distribute them to impoverished regions at risk of epidemics. Faced with this ''cost consideration,'' Merck ignored Hilleman's warnings, and government officials continued to push more and more thimerosal-based vaccines for children. Before 1989, American preschoolers received 11 vaccinations—for polio, diphtheria-tetanus-pertussis and measles-mumps-rubella. A decade later, thanks to federal recommendations, children were receiving a total of 22 immunizations by the time they reached first grade.

As the number of vaccines increased, the rate of autism among children exploded. During the 1990s, 40 million children were injected with thimerosal-based vaccines, receiving unprecedented levels of mercury during a period critical for brain development. Despite the well-documented dangers of thimerosal, it appears that no one bothered to add up the cumulative dose of mercury that children would receive from the mandated vaccines. ''What took the FDA so long to do the calculations?'' Peter Patriarca, director of viral products for the agency, asked in an e-mail to the CDC in 1999. ''Why didn't CDC and the advisory bodies do these calculations when they rapidly expanded the childhood immunization schedule?''

But by that time, the damage was done. Infants who received all their vaccines, plus boosters, by the age of six months were being injected with a total of 187 micrograms of ethylmercury—a level 40 percent greater than the EPA's limit for daily exposure to methylmercury, a related neurotoxin. Although the vaccine industry insists that ethylmercury poses little danger because it breaks down rapidly and is removed by the body, several studies—including one published in April by the National Institutes of Health—suggest that ethylmercury is actually more toxic to developing brains and stays in the brain longer than methylmercury. Under the expanded schedule of vaccinations, multiple shots were often administered on a single day: At two months, when the infant brain is still at a critical stage of development, children routinely received three inoculations that delivered 99 times the approved limit of mercury.

Officials responsible for childhood immunizations insist that the additional vaccines were necessary to protect infants from disease and that thimerosal is still essential in developing nations, which, they often claim, cannot afford the single-dose vials that don't require a preservative. Dr. Paul Offit, one of CDC's top vaccine advisors, told me, ''I think if we really have an influenza pandemic—and certainly we will in the next 20 years, because we always do—there's no way on God's earth that we immunize 280 million people with single-dose vials. There has to be multidose vials.''

But while public-health officials may have been well-intentioned, many of those on the CDC advisory committee who backed the additional vaccines had close ties to the industry. Dr. Sam Katz, the committee's chair, was a paid consultant for most of the major vaccine makers and shares a patent on a measles vaccine with Merck, which also manufactures the hepatitis B vaccine. Dr. Neal Halsey, another committee member, worked as a researcher for the vaccine companies and received honoraria from Abbott Labs for his research on the hepatitis B vaccine.

Indeed, in the tight circle of scientists who work on vaccines, such conflicts of interest are common. Rep. Burton says that the CDC ''routinely allows scientists with blatant conflicts of interest to serve on intellectual advisory committees that make recommendations on new vaccines,'' even though they have ''interests in the products and companies for which they are supposed to be providing unbiased oversight.'' The House Government Reform Committee discovered that four of the eight CDC advisors who approved guidelines for a rotavirus vaccine ''had financial ties to the pharmaceutical companies that were developing different versions of the vaccine.''

Offit, who shares a patent on one of the vaccines, acknowledged to me that he ''would make money'' if his vote eventually leads to a marketable product. But he dismissed my suggestion that a scientist's direct financial stake in CDC approval might bias his judgment. ''It provides no conflict for me,'' he insists. ''I have simply been informed by the process, not corrupted by it. When I sat around that table, my sole intent was trying to make recommendations that best benefited the children in this country. It's offensive to say that physicians and public-health people are in the pocket of industry and thus are making decisions that they know are unsafe for children. It's just not the way it works.''

Other vaccine scientists and regulators gave me similar assurances. Like Offit, they view themselves as enlightened guardians of children's health, proud of their ''partnerships'' with pharmaceutical companies, immune to the seductions of personal profit, besieged by irrational activists whose anti-vaccine campaigns are endangering children's health. They are often resentful of questioning. ''Science,'' says Offit, ''is best left to scientists.''

Still, some government officials were alarmed by the apparent conflicts of interest. In his e-mail to CDC administrators in 1999, Paul Patriarca of the FDA blasted federal regulators for failing to adequately scrutinize the danger posed by the added baby vaccines. ''I'm not sure there will be an easy way out of the potential perception that the FDA, CDC and immunization-policy bodies may have been asleep at the switch re: thimerosal until now,'' Patriarca wrote. The close ties between regulatory officials and the pharmaceutical industry, he added, ''will also raise questions about various advisory bodies regarding aggressive recommendations for use'' of thimerosal in child vaccines.

If federal regulators and government scientists failed to grasp the potential risks of thimerosal over the years, no one could claim ignorance after the secret meeting at Simpsonwood. But rather than conduct more studies to test the link to autism and other forms of brain damage, the CDC placed politics over science. The agency turned its database on childhood vaccines—which had been developed largely at taxpayer expense—over to a private agency, America's Health Insurance Plans, ensuring that it could not be used for additional research. It also instructed the Institute of Medicine, an advisory organization that is part of the National Academy of Sciences, to produce a study debunking the link between thimerosal and brain disorders. The CDC ''wants us to declare, well, that these things are pretty safe,'' Dr. Marie McCormick, who chaired the IOM's Immunization Safety Review Committee, told her fellow researchers when they first met in January 2001. ''We are not ever going to come down that [autism] is a true side effect'' of thimerosal exposure. According to transcripts of the meeting, the committee's chief staffer, Kathleen Stratton, predicted that the IOM would conclude that the evidence was ''inadequate to accept or reject a causal relation'' between thimerosal and autism. That, she added, was the result ''Walt wants''—a reference to Dr. Walter Orenstein, director of the National Immunization Program for the CDC.

For those who had devoted their lives to promoting vaccination, the revelations about thimerosal threatened to undermine everything they had worked for. ''We've got a dragon by the tail here,'' said Dr. Michael Kaback, another committee member. ''The more negative that [our] presentation is, the less likely people are to use vaccination, immunization—and we know what the results of that will be. We are kind of caught in a trap. How we work our way out of the trap, I think is the charge.''

Even in public, federal officials made it clear that their primary goal in studying thimerosal was to dispel doubts about vaccines. ''Four current studies are taking place to rule out the proposed link between autism and thimerosal,'' Dr. Gordon Douglas, then-director of strategic planning for vaccine research at the National Institutes of Health, assured a Princeton University gathering in May 2001. ''In order to undo the harmful effects of research claiming to link the [measles] vaccine to an elevated risk of autism, we need to conduct and publicize additional studies to assure parents of safety.'' Douglas

formerly served as president of vaccinations for Merck, where he ignored warnings about thimerosal's risks.

In May of last year, the Institute of Medicine issued its final report. Its conclusion: There is no proven link between autism and thimerosal in vaccines. Rather than reviewing the large body of literature describing the toxicity of thimerosal, the report relied on four disastrously flawed epidemiological studies examining European countries, where children received much smaller doses of thimerosal than American kids. It also cited a new version of the Verstraeten study, published in the journal Pediatrics, that had been reworked to reduce the link between thimerosal and autism. The new study included children too young to have been diagnosed with autism and overlooked others who showed signs of the disease. The IOM declared the case closed and—in a startling position for a scientific body—recommended that no further research be conducted.

The report may have satisfied the CDC, but it convinced no one. Rep. David Weldon, a Republican physician from Florida who serves on the House Government Reform Committee, attacked the Institute of Medicine, saying it relied on a handful of studies that were ''fatally flawed'' by ''poor design'' and failed to represent ''all the available scientific and medical research.'' CDC officials are not interested in an honest search for the truth, Weldon told me, because ''an association between vaccines and autism would force them to admit that their policies irreparably damaged thousands of children. Who would want to make that conclusion about themselves?''

Under pressure from Congress, parents and a few of its own panel members, the Institute of Medicine reluctantly convened a second panel to review the findings of the first. In February, the new panel, composed of different scientists, criticized the earlier panel for its lack of transparency and urged the CDC to make its vaccine database available to the public.

So far, though, only two scientists have managed to gain access. Dr. Mark Geier, president of the Genetics Center of America, and his son, David, spent a year battling to obtain the medical records from the CDC. Since August 2002, when members of Congress pressured the agency to turn over the data, the Geiers have completed six studies that demonstrate a powerful correlation between thimerosal and neurological damage in children. One study, which compares the cumulative dose of mercury received by children born between 1981 and 1985 with those born between 1990 and 1996, found a ''very significant relationship'' between autism and vaccines. Another study of educational performance found that kids who received higher doses of thimerosal in vaccines were nearly three times as likely to be diagnosed with autism and more than three times as likely to suffer from speech disorders and mental retardation. Another soon-to-be-published study shows that autism rates are in decline following the recent elimination of thimerosal from most vaccines.

As the federal government worked to prevent scientists from studying vaccines, others have stepped in to study the link to autism. In April, reporter Dan Olmsted of UPI undertook one of the more interesting studies himself. Searching for children who had not been exposed to mercury in vaccines—the kind of population that scientists typically use as a ''control'' in experiments—Olmsted scoured the Amish of Lancaster County, Penn., who refuse to immunize their infants. Given the national rate of autism, Olmsted calculated that there should be 130 autistics among the Amish. He found only four. One had been exposed to high levels of mercury from a power plant. The other three—including one child adopted from outside the Amish community—had received their vaccines.

At the state level, many officials have also conducted in-depth reviews of thimerosal. While the Institute of Medicine was busy whitewashing the risks, the Iowa Legislature was carefully combing through all of the available scientific and biological data. ''After three years of review, I became convinced there was sufficient credible research to show a link between mercury and the increased incidences in autism,'' says state Sen. Ken Veenstra, a Republican who oversaw the investigation. ''The fact that Iowa's 700 percent increase in autism began in the 1990s, right after more and more vaccines were added to the children's vaccine schedules, is solid evidence alone.'' Last year, Iowa became the first state to ban mercury in vaccines, followed by California. Similar bans are now under consideration in 32 other states.

But instead of following suit, the FDA continues to allow manufacturers to include thimerosal in scores of over-the-counter medications as well as steroids and injected collagen. Even more alarming, the government continues to ship vaccines preserved with thimerosal to developing countries—some of which are now experiencing a sudden explosion in autism rates. In China, where the disease was virtually unknown prior to the introduction of thimerosal by U.S. drug manufacturers in 1999, news reports indicate that there are now more than 1.8 million autistics. Although reliable numbers are hard to come by, autistic disorders also appear to be soaring in India, Argentina, Nicaragua and other developing countries that are now using thimerosal-laced vaccines. The World Health Organization continues to insist thimerosal is safe, but it promises to keep the possibility that it is linked to neurological disorders ''under review.''

I devoted time to study this issue because I believe that this is a moral crisis that must be addressed. If, as the evidence suggests, our public-health authorities knowingly allowed the pharmaceutical industry to poison an entire generation of American children, their actions arguably constitute one of the biggest scandals in the annals of American medicine. ''The CDC is guilty of incompetence and gross negligence,'' says Mark Blaxill, vice president of Safe Minds, a nonprofit organization concerned about the role of mercury in medicines. ''The damage caused by vaccine exposure is massive. It's bigger than asbestos, bigger than tobacco, bigger than anything you've ever seen.'' It's hard to calculate the damage to our country—and to the international efforts to eradicate epidemic diseases—if Third World nations come to believe that America's most heralded foreign-aid initiative is poisoning their children. It's not difficult to predict how this scenario will be interpreted by America's enemies abroad. The scientists and researchers—many of them sincere, even idealistic—who are participating in efforts to hide the science on thimerosal claim that they are trying to advance the lofty goal of protecting children in developing nations from disease pandemics. They are badly misguided. Their failure to come clean on thimerosal will come back horribly to haunt our country and the world's poorest populations.

ORDER OF BUSINESS

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to take my time out of order.

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

There was no objection.

THE CORPORATION FOR PUBLIC BROADCASTING—PROVIDING INDEPENDENT FAMILY PROGRAMMING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I rise today to express my strong support for the Corporation for Public Broadcasting and its contributions to our shared American experience.

On November 7, 1967, President Lyndon Johnson signed into law the Public Broadcasting Act of 1967, creating the Corporation for Public Broadcasting and bringing about the genesis of one of our Nation's most cherished educational and cultural institutions.

Before signing the bill, President Johnson presented his vision for this new public communications enterprise, stating that the ''time had come to enlist the computer and the satellite, as well as the television and the radio, and to enlist them in the cause of education.''

Since Congress created this not-for-profit entity, it has become one of the most relied-upon sources of news and educational programming for all Americans, especially for our children.

Mr. Speaker, as the father of two small children, I can speak directly to the love that our kids have for educational programming, such as Sesame Street, Mr. Rogers' Neighborhood, Arthur, Clifford the Big Red Dog. They have captured the imaginations and challenged the minds of our children for decades. In fact, these programs are also a hit with parents, and often present the only alternative to inappropriate daytime programming that is available on network and for-profit television stations.

The mission of the Public Broadcasting Act was realized when the Corporation for Public Broadcasting, CPB, created the nonprofit Public Broadcasting Service in 1969 and the National Public Radio in 1970. American families now had television and radio stations they could call their own.

Much like the Chamber in which we stand, the people's House, these airwaves and programming supported by the CPB also belong to the individuals we have the privilege to represent in Congress, and I have heard from hundreds of my constituents who have shared personal stories of the impact of PBS and NPR on their lives and the lives of their children.

KPCC, for example, in my district is just one of the many superb affiliates of NPR around the Nation. My constituents rely on KPCC, as they do on public broadcasting generally for news, informational programming, and educational programming for their kids;

and I applaud the significant contributions they have made and others and the individual public broadcasting stations.

The legislation brought before the House today would have effectively gutted this fine institution of critical funding necessary to accomplish the vision laid out by President Johnson. The base bill would have cut a staggering $100 million, stripping the Corporation for Public Broadcasting of one-quarter of its funding.

Critics maintain that the CPB has strayed from its mandate of independence and impartiality. In fact, polls show a large majority of Americans think that the news and information programming is more trustworthy, more independent than that of network and cable programming. A majority of viewers also think PBS is a valuable educational and cultural resource. A poll commissioned by the board of directors confirmed that 48 percent of those surveyed believe that funding for public broadcasting should be increased, not decreased.

Mr. Speaker, I, too, am concerned about the independence of the Corporation for Public Broadcasting; and today, I reluctantly join with many of my colleagues in calling on the President to ask for the resignation of chairman of the Corporation for Public Broadcasting Kenneth Tomlinson. Mr. Tomlinson has actively sought to undermine, underfund, and ultimately dismantle the very organization he has been appointed to lead.

As the leader of CPB, Mr. Tomlinson should be advocating for the continued vitality of the Corporation for Public Broadcasting. Instead, he seems bent on politicizing its content, undermining the objectivity of its news analysis, and turning it into yet another partisan organ. Mr. Tomlinson has withheld publicly funded polls that show strong support for public broadcasting, and more recently, expressed his desire to nominate Patricia Harrison as the new president.

The nomination of Ms. Harrison, a former cochair of the Republican National Committee, further calls into question the impartiality of the Corporation for Public Broadcasting and flies in the face of the mandate of President Johnson that the corporation was to be carefully guarded from government and party control. Mr. Tomlinson, regrettably, has not proved to be a good steward of the immense public trust placed in his charge.

Mr. Speaker, on that day in 1967, President Johnson had high hopes for the Corporation for Public Broadcasting, and said, ''Today we rededicate a part of the airwaves, which belong to all the people, and we dedicate them for the enlightenment of all the people.''

Today, I am proud we have beaten back this assault on public broadcasting and taken an important step to renew our commitment to public broadcasting and restore the funding and independence necessary to ensure that our children and their children will continue to enjoy quality, independent public broadcasting.

SUPPORTING CLEAR LAW ENFORCEMENT FOR IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, next week I will introduce legislation that received wide bipartisan support in the last Congress, the Clear Law Enforcement for Removal of Criminal Illegal Aliens Act, better known as CLEAR.

This bill seeks to address a major crisis in our country: the lack of enforcement of our immigration laws.

The CLEAR Act makes clear that State and local law enforcement can and should help Federal agencies enforce these laws.

We have no problem asking local law enforcement to help enforce Federal drug laws. We have no problem asking local agencies to help in Federal manhunts for murderers and terrorists. We even have no problem with deputy and police enforcing Federal laws against cigarette sales to minors.

Yet when the issue of immigration enforcement arises, so do the squeals that immigration is a Federal responsibility and should not be pushed off on the States. They are right. It is a Federal responsibility. The problem is that the Federal Government is not taking their responsibility very serious.

Mr. Speaker, the catastrophe of illegal immigration has already been pushed off on the States by the Federal Government flatly refusing to do its duty of enforcing the law. Our police and deputies spend billions combating illegal immigrant crime, including organized foreign gangs. This could have been prevented by vigorous Federal enforcement at the border.

Our local jails are full of criminal illegal aliens, costing the States billions per year. This could have been prevented by vigorous Federal enforcement at the border.

Our local hospital emergency rooms are full of indigent illegal aliens who drive up the cost of health care to a point that hardworking Americans can basically no longer afford it. This could have been prevented by vigorous Federal enforcement at the border.

Our local schools are filled with children of illegal immigrants who pay little or no local taxes, but drive up property taxes for hardworking American families to cover the skyrocketing costs of bilingual and special education. This could have been prevented by vigorous Federal enforcement at our borders.

Our police routinely find illegals, including those with criminal records. They call the Federal Government, which does nothing other than force our police to release these criminals back on to our streets. There are about 500,000 of them out there.

This has got to stop, and this is a fair bill, and it is intended to stop that.

Washington had its chance to enforce the law, and it has failed the Nation. Now it is time we stop putting obstacles in the way of our police, deputies, and State patrol helping to get this job done.

Under the CLEAR Act, local law enforcement is authorized to not only arrest illegal aliens but to transport them to the nearest Federal detention centers, including across State lines; and if DHS does not pick them up immediately, under CLEAR, the Federal Government pays the tab for that, as appropriate.

CLEAR authorizes new Federal resources to support local law enforcement, including immigration law training, 20 new Federal detention centers and more if they are needed.

The CLEAR Act makes illegal immigration a criminal offense, not just a civil offense. Repeat offenders will face serious jail time, not a free ride back to the border.

Mr. Speaker, next week this House will have a chance to start getting serious about fighting our national crisis of illegal immigration. I urge every Member in this House to join us as an original cosponsor.

SMART SECURITY AND THE NEED FOR AN IRAQ PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it is time for Congress to take a good hard look at the role the United States is playing in Iraq and whether it is in our national interests to maintain a military presence there.

We need to acknowledge the fact that Iraq's insurgency is growing in strength, not diminishing. It is the very presence of our 150,000-or-so American troops in Iraq that unites the growing collection of insurgent forces.

Since our military presence encourages further fighting, this war will continue as long as the United States troops remain in Iraq, appearing to be occupiers of their country. That is why Congress must accept that we cannot possibly be successful through military means alone.

During consideration of the defense authorization bill on May 25 for fiscal year 2006, I offered an amendment urging the President to develop a plan for the withdrawal of troops from Iraq. Surprisingly, this is the first time the House formally debated the possibility of withdrawal from Iraq, and that was over a 2-year period. While my amendment was defeated, it is clear that Congress is starting to get serious about the need to end the war in Iraq. 128 Members, including five Republicans, voted for this important amendment, but there is much more work to be done.

The Iraq war has now raged on for more than 2 years, and we are no closer

to winning this conflict than we were when President Bush declared an end to major combat operations under an arrogant banner declaring ''Mission Accomplished.''

Despite this lack of progress, the war has exacted a deeply troubling human and financial toll. In just over 2 years of war, almost 1,800 American soldiers and an estimated 25,000 innocent Iraqi bystanders have been killed. The Pentagon lists the number of Americans wounded as over 12,000; but that does not take into consideration the invisible wounds many of our soldiers have brought home, the painful mental trauma they have contracted from months and years of fighting, watching their friends being killed or wounded by the insurgents, and killing and wounding others themselves, a lot to live with when they finally come home.

□ 1800

When accounting for these psychological injuries, the number of wounded jumps to more than 40,000 soldiers. Given what is at stake here, do the American people not deserve a plan? Do our brave men and women who are selflessly sacrificing their time and energy, not to mention their arms, legs and lives for this war, not deserve a plan? And it would be helpful for their families to know what the plan is in Iraq.

We have asked the President to address Iraq's lack of security. We have asked him to come up with a plan for ending the war. He has not; so we will.

After we bring the troops home, we do have a plan. There is a plan. It is a plan that would secure America for the future, the SMART Security resolution, which I recently reintroduced with the support of 50 of my House colleagues. SMART is Sensible Multilateral American Response to Terrorism for the 21st Century, and it will help address the threats we face as a Nation. SMART Security will ensure America's security by reaching out and engaging the Iraqi people.

Instead of rushing off to war for the wrong reasons, SMART Security encourages the United States to work with other nations to address the most pressing global problems. Because not every international problem has a military answer, SMART Security will prevent terrorism by addressing the very conditions that give rise to terrorism in the very first place: poverty, despair, resource scarcity and lack of proper education, as an example.

SMART Security also encourages democracy building, human rights education, conflict resolution through nonmilitary means, educational opportunities, and strengthening civil programs in the developing world. These are the best ways to encourage democracy in countries like Iraq, not through wars that cost thousands of unnecessary deaths and cost billions of dollars. The SMART approach is the best way to reach out to Iraq. It is time we stopped putting all of our eggs in the military basket and started getting smart about our national security.

STOP COUNTERFEIT POLLS

The SPEAKER pro tempore (Mr. McCAUL of Texas). Under a previous order of the House, the gentleman from Nebraska (Mr. TERRY) is recognized for 5 minutes.

Mr. TERRY. Mr. Speaker, today I want to call attention to the June 25 Bulgarian and July 3 Albanian parliamentary elections. Voters in these developing economies deserve the opportunity to exercise the freedoms that were unavailable to them for so long.

As the world's greatest democracy, we should strive to foster the ideals of freedom in these developing democracies. Free and fair elections are the first essential step in this long and arduous process.

As a member of the International Anti-Piracy Caucus, I am a proud supporter of international intellectual property protection.

As Albania and Bulgaria move through the election process, they should understand that part of the process of becoming free is making sure that applicable laws are in force both locally and internationally. Failure to punish those that disregard laws will mean that these countries will not become accepted players on the world stage for some time to come.

Part of the process for providing free and fair elections is respecting and enforcing the intellectual property rights of American businesses assisting in these elections.

Therefore, I call upon the sitting governments of these two nations, including their justice ministries and central election commissions, to condemn the distribution of counterfeit Gallup polls that are being used to distort the democratic process during their parliamentary elections.

Promotion of democracy is one of the core pillars of our national security policy. Bulgaria and Albania are both important allies in the war on terror. It is essential that the elected leadership of these two great nations remain committed to defeating, preserving, and extending freedom and the rule of law. The citizens of these great countries have already made substantial progress in the fight for democracy. It is unfortunate, however, that a small segment of society has chosen to act nefariously in an attempt to distort the election process by misuse of the Gallup name.

George H. Gallup, the founder of the Gallup Poll, felt that providing a voice to all people around the world would strengthen societies to help ensure accountability of elected representatives. Unfortunately, Mr. Gallup's mission is being tainted by a group of counterfeiters in both Bulgaria and Albania.

These organizations are conducting electoral polling under the Gallup name without permission or license, while all the while receiving American support through USAID. These actions constitute a clear violation of Gallup's intellectual property rights and, perhaps more importantly, taint the reputation that Gallup has rightfully earned during its 70 years of existence.

While it is true that Gallup is a major employer with its headquarters in my district, Gallup has been active across the country during their existence, providing polling in every Presidential election and several senatorial and congressional elections during that time period. Gallup might employ a number of my constituents, but it is a strong national company with a solid international reputation as well. To see this reputation tarnished with the aid of taxpayer dollars is not only a serious mismanagement of government funds but reprehensible conduct as well.

Mr. Speaker, USAID ought to provide better oversight of the work conducted under their name overseas, and I have called upon them to provide an explanation regarding this matter. Additionally, Congress should do all it can to help ensure that American companies and American intellectual property rights are protected overseas without the willful and wanton negligence of American governmental institutions.

Mr. Speaker, I hope that my colleagues will join me in this call for free and fair elections in Bulgaria and Albania, and support my request to stop the counterfeit polls from being distributed.

IRAQ SOLUTION LIES WITH UNITED NATIONS INVOLVEMENT

The SPEAKER pro tempore (Mr. McHENRY). Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I rise today to amplify on the Iraq proposal that I made last night in the House. I believe the solution in Iraq lies with the United Nations and that it is time for direct U.N. involvement to replace U.S. forces and to allow our troops to return home safely and in an orderly way.

The evidence is mounting that America's current approach in Iraq will not work. When was the last time anybody heard the word ''coalition'' to describe the military activity in Iraq? The world largely perceives the United States as going it alone in Iraq. Furthermore, large portions of the Arab world believe in the insurgency rhetoric that America is an occupier in Iraq for selfish oil reasons and not to serve the needs of the Iraqi people.

Administration claims about the insurgency do not square with the news coming out of Iraq every day or with the sober assessment by America's best military leaders. U.S. and Iraq civilian casualties are mounting. That is what Americans see every night on the news. What Americans want is a sober assessment of Iraq that reflects reality and

for the Congress and the administration to work together to come up with a solution. Americans are sick of the politics. They want a solution that will protect U.S. soldiers and make what they are fighting and dying for, and what has taken untold numbers of Iraqi lives, worth the enormous sacrifice.

We need a new strategy in Iraq. We need a new plan. This one is not working. The more the administration denies it, the more time we waste and the more lives we lose because we do not do what we need to do. We do not need permanent bases in Iraq. Every day that goes by with the current war scenario, this country loses credibility around the world.

Every concrete block that we lay is sowing seeds of mistrust, anger, and resentment that will affect us for generations. Consider that we are still dealing with Vietnam 30 years later trying to establish relationships with them. It is time to involve the rest of the world in Iraq and stop anyone from calling this is the U.S.-Iraq war. Only the United Nations has the international imprimatur to lead an international coalition in Iraq. Only the United Nations can credibly install a peace-enforcing force in Iraq that is seen as such by the entire world.

We did a similar thing under UNTAC in Cambodia. We have done it before. I have never supported this war, but I would gratefully support a Republican resolution to get the U.N. into Iraq. This would be a positive development to safeguard U.S. ground forces and send a positive signal to a skeptical Arab world that America's intentions are not what the insurgents claim them to be.

We need a bold stroke in Iraq if we are to succeed in stopping the loss of lives and spread of terror. We cannot just fight insurgents in the streets day by day if there is any hope of peace in Iraq. The world has to believe we are only there to benefit Iraq. As long as the war is called and perceived as the U.S.-Iraq war, the insurgents have new ammunition to recruit, terrorize, maim, and kill.

We have an opportunity to work together as Americans, not Democrats and Republicans, but to create a plan that creates a new role for the U.S. in Iraq, contributing to the U.N. peace-enforcing force. We have an opportunity to safeguard American lives we are replacing, not withdrawing U.S. soldiers from Iraq.

Today, too many military experts in our country quietly say that the Iraq war could go on for the indefinite future. David Hackworth, the most decorated Vietnam veteran, said we are going to be there 30 years. We cannot afford the price in dollars, and more importantly, in loss or shattered lives for our soldiers.

The way to win the war in Iraq is to allow the world, not the United States, to lead the war in Iraq. Since the Republicans are the majority party in the House, I willingly submit my proposal to the Republicans to call their own, get the President on board, turn it into legislation that we can pass by unanimous consent.

The best military option for the United States in Iraq is to act under the command and direction of the United Nations. U.N. leadership offers the best chance for a lasting peace and the fastest orderly way for American troops to return home.

Mr. Speaker, please put politics aside and let us act together. Yesterday, 82 members of the Iraq parliament submitted a letter to their speakers saying get the troops out of Baghdad. We ought to be working with them and make it happen, but it will take both Republicans and Democrats to do it.

THE NEED FOR THE RETURN OF FEDERALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, the 10th amendment states: ''The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people.''

These historic words, penned by our Founding Fathers, some of the most ingenious political minds the world has ever known, set forth an important principle: the Federal Government may exercise specific powers that are listed in the Constitution, and the States and the people may exercise all remaining powers.

Unfortunately, as the authors of the Constitution have long since passed, so too have many of their ideals for our system of government, from an ever-expanding Federal Government that for decades has crept into many facets of once locally controlled areas, to a Federal judiciary that in many instances completely ignores the intent of federalism, all resulting in a Federal Government that has become wildly inefficient and a hemorrhaging bureaucracy.

In an effort to draw attention to this nationally destructive trend, I have recently founded the Congressional States and Community Rights Caucus, which will be a forum to work to ensure that the Federal Government is operating under the intent of the 10th amendment of our Bill of Rights. I look forward to working with my like-minded colleagues who share the sentiment that the Federal Government has taken authority over too many areas from State governments and are operating them in an inefficient manner.

This is not a new concept. It goes back over some last 10 years and even back further than that. Our Founders were very clear when establishing our system of government. They intended to set up a Republic of sovereign States capable of self-governing with a small central government with clearly defined, limited powers.

Our Constitution must be thought of as a social contract between people and the government. We must think of the most important document as a trade where our forefathers gave up certain specific rights in exchange for limited services specified, most notably, for defense of the people and the Nation.

□ 1815

When we refer to federalism, we refer to only powers specifically listed in the Constitution are to be administered by the Federal Government. All others are to be left to the States, local government, or to the people themselves. James Madison wrote this in Federal paper No. 45: The powers delegated to the Federal Government are few and defined, he said. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the State.

Of course, we know we have gone much further than this now. Throughout the last few generations especially, the intent of the 10th amendment of a limited government has been shredding away. Over the years in many areas, national crises and otherwise, many of the government's powers have grown on the Federal level, particularly in social service areas, through a centralized Federal Government.

Limited government was a gift to the American people. More accurately, it was got by blood, sweat, and tears that were shed by our forefathers who sought to break away from their mother country, Great Britain, and also by subsequent generations who worked for this great experiment of personal liberty.

There are those who support a big government, who have no faith in the people whatsoever to care for themselves, who feel a few should provide for the many. They believe that high taxes and high spending is the most efficient way to provide services. Of course, we know that history proves them not true. Those who support a big government might contend that those like myself are really antigovernment, but that is not true as well. Our Federal Government serves an important purpose, but our Nation is better off when that purpose is limited.

Mr. Speaker, those who support federalism as I do, those who strictly adhere to the 10th amendment, know that a large, burdensome, bureaucratic government is not the most efficient way to get the services to the American people. You see, State taxpayers and Federal taxpayers are not two separate groups of people but they are individuals who are taxed twice.

Think about that for a moment. Americans from all around the country send their money to Washington only for Washington to lose some of it, waste some it, and spend some of it on

areas and ways that you and I might not agree with. In fact, you have taxpayers from one State who are subsidizing services for taxpayers in another State. For instance, in my State of New Jersey, I know that for every dollar that we send to Washington, we only receive back 54 cents from the Federal Government. That does not make sense to me and I know that is not fair.

Our recent leaders have tried to right this position of our Federal Government back to where our Founding Fathers had it. In his first inaugural address in 1981, President Reagan said, ''It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people. All of us need to be reminded that the Federal Government did not create the States; the States created the Federal Government.''

In light of the looming fiscal crisis of our Federal budget and the domestic programs that are simply not reaching their intended goals, I believe it is imperative to highlight the need to return to a system intended under the reserve clause of the Constitution. I invite and encourage my colleagues to join the caucus and help us return control to those who know what is best, to the people. All of our constituents deserve the most efficient and effective government, a government in accord with our Constitution.

PRISONER ABUSE INVESTIGATIONS

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the call for an independent commission to review accusations of abuse of prisoners at Guantanamo Bay, Cuba and other places continues to grow. This is not a partisan issue. Members from both sides of the aisle, citizens who consider themselves progressives and citizens who consider themselves conservatives, have joined the call for such a commission. Opinion polls reflect the American people's deep concern about prisoner abuse. The security of our Nation is profoundly impacted by our reputation, by how we are viewed by the rest of the world.

Our response to terrorism is based on contrasting our values to theirs. We are conducting an ideological war in parallel with police and military operations. The outcome of both the ideological struggle and the armed struggle hinge to a significant extent on this great test of values.

Therefore, Mr. Speaker, it is great shame that attention has been diverted in recent days from the fundamental issues to the words used by one Senator, a Senator whom I much admire and greatly respect, who has admitted that the words he used were too strong and who has apologized to those whom he may have offended. The issue raised by the Senator was timely, on target, and central to our Nation's best interests, despite the fact that his specific words failed to properly frame his message.

It is imperative that we remain focused on the issue that the Senator called to our attention and not allow ourselves to be dissuaded, deterred, or discouraged from pursuing a thorough public inquiry into prisoner abuse in much the same manner as the commission we created to examine September 11.

Do some of the policies of our government endanger our troops by disparaging the image of America? Are our own troops endangered by our strained and unique interpretation of the Geneva Conventions? Has our approach to human intelligence distorted and limited our ability to understand and respond to the insurgency in Iraq and the terrorist threat in general? Do the incidents of abuse flow from decisions taken at the highest levels with regard to the conduct of American intelligence?

These are urgent and critical questions that cannot be answered adequately in the inquiries launched to date. We owe a great debt to those who have spoken out, calling for an independent commission, sometimes at great personal cost. I thank them for their leadership.

We owe a great debt to Senator RICHARD DURBIN for helping cause Americans to look seriously at this issue of prisoner abuse by our intelligence agencies and our military. I thank the Senator.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent to use the time of the gentleman from Nebraska (Mr. OSBORNE).

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

There was no objection.

SOMATIC CELL NUCLEAR TRANSFER IS HUMAN CLONING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, the bioethical issues that we have been debating for the past several years, and particularly over the last couple of months, deal with fundamental questions about the value of human life and the meaning of human dignity. Every poll conducted on the subject of human embryo cloning for research indicates that 70 to 80 percent of the American people oppose human embryo cloning for research purposes. Cloning advocates know that the American public is adamantly opposed to their goals, so they have crafted new speech in an attempt to deliberately mislead Members of Congress, the media, grassroots advocates and the American public.

One of the leading patient advocacy groups for human cloning research is the Juvenile Diabetes Research Foundation, and they have been sanitizing the language and playing semantic games with a willing media and an unaware American public.

Let me give you a few examples. Last year when representatives of the JDRF stopped by my office, they shared with my staff that they endorsed stem cell research involving somatic cell nuclear transfer. When my staff replied that somatic cell nuclear transfer, or SCNT, was the cloning of human embryos, the JDRF advocates in my office responded that they had been told by those training them for their Hill visit that SCNT did not create a human embryo because sperm was not used. Indeed, the literature in their own hands stated the following: ''When scientists use SCNT to create stem cells, no sperm is used and the resulting cell has no chance of developing into a human being because it is never placed in a uterus. This is a fundamentally different procedure from reproductive cloning, as was used by scientists in 1996 to create Dolly the sheep.''

This statement is misleading on several counts. JDRF is flat-out wrong when they state that SCNT is a ''fundamentally different procedure from reproductive cloning, as was used by scientists in 1996 to create Dolly the sheep.'' Dr. Ian Wilmut, Dolly's own creator, does not agree with the JDRF statement. Dr. Wilmut stated clearly in a peer-reviewed article, ''the unique feature of Dolly was that she was the first mammal to be cloned from an adult somatic body cell.'' Then he goes on to say, ''The success of somatic cell nuclear transfer was used in creating Dolly.''

Cloning supporter and then-NIH Director Harold Varmus testified in 1998 stating, ''in the Dolly experiment, a lamb was produced using the technology of somatic cell nuclear transfer.''

JDRF implies that sperm is necessary to develop an embryo capable of growing into a human. This notion is completely inaccurate, as hundreds of animals have been created through SCNT using no sperm. Was Dolly not a sheep because sperm was not involved? JDRF characterizes the resulting product of SCNT as merely a cell with no chance of developing into a ''human.'' But President Clinton's own Bioethics

Advisory Commission disagrees with this statement. In 1997 his commission stated, ''the commission began its discussions fully recognizing that any effort in humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo, with the apparent potential to be implanted in utero and developed to term.''

Many of the JDRF advocates that have visited Members of Congress are not to be faulted for this misinformation. They are simply sharing with you what those running JDRF's Hill advocacy program have told them. In fact, the patients and families selected to participate in the 2005 JDRF Children's Congress in Washington were required to assign a loyalty oath agreeing to support the JDRF position on these issues. The loyalty oath found on that application, which I have blown up, and I have next to me right here states, ''If there is a discussion of such controversial topics as embryonic stem cell research, I will either embrace the JDRF legislative position on such topics or will not work against the JDRF position.''

This statement clearly calls for applicants to be willing to embrace ethically questionable research or be willing to muzzle their personal and moral convictions. Let us have an honest debate on embryonic stem cell research and let us have an honest debate on human cloning and what it is. It is somatic cell nuclear transfer.

CONGRESS OUT OF TOUCH WITH AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, to see just how out of touch the Republican Congress is with the American people, look no further than the recent CBS poll taken just last week. In the poll, it clearly says that 81 percent of the American public believes that Congress does not share their priorities. This, Mr. Speaker, is just how out of touch the Republican leadership is with the American people. They just do not get it. And today's debate is just one more example of that. Cutting public broadcasting. I cannot tell you how many dozens and dozens of my constituents have been calling me on this issue telling me and my staff emphatically that they absolutely do not want to see any cuts in public radio and TV broadcasting. But their wishes, their calls, their complaints, their desires, their priorities are falling on deaf ears.

In reality, the Labor-HHS bill that was on the floor today and will be back tomorrow shows once again how the Republican Party's outright irresponsible tax cuts for the rich have exhausted the budget. So when they say we have to cut money for things like job training, assistance for the unemployed, No Child Left Behind, community services block grants, training programs for health professionals, the health communities access program, a program which helps serve the uninsured; as well as children's health block grants and freezing after-school centers, I say to them, on behalf of the American people, four out of five of whom do not support the Republican leadership, shame, shame, shame.

We are also spending $1 billion a week in Iraq. That is $4 billion a month. Yet this administration has zeroed out funding for Amtrak.

□ 1830

Just 1 week of investment in Iraq would significantly improve passenger rail for the entire country for an entire year. I just want someone to explain to the American public why investing in transportation in Iraq is so much more important than investing in passenger rail right here in the United States of America.

Today right here in America we have 50 million people without health insurance. We have the highest trade deficit in the history of this country, and we have a $477 billion Federal deficit. We have a $375 billion shortfall in transportation funding, and we still do not know what happened to the weapons of mass destruction.

I close by posing this question: Is bankrupting this great country the top priority of this administration? I must repeat that. Is bankrupting this great country the top priority of this administration? They are certainly big on bankrupting Amtrak and doing away with passenger trains. I stand here to question the priorities of the House leadership, the priorities of the other body, and definitely to question those of the policymakers or the bean counters over in the White House.

Like 81 percent of the American public, I am growing tired and weary of the Republican majority and the priorities of this administration. I call on my colleagues to change directions, to give up privatizing Social Security, to give up selling out our health care system to the pharmaceuticals, and to listen to the American public and get in tune with their real needs.

URGING SUPPORT FOR H.R. 2892, REVERSE MORTGAGES TO HELP AMERICA'S SENIORS ACT

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentleman from Pennsylvania (Mr. FITZPATRICK) is recognized for 5 minutes.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, as we continue to discuss the best ways to strengthen retirement security for our Nation's seniors, I have looked into numerous programs to lessen the burden that our seniors face in rising health care costs, transportation, and homeownership.

As a long-time Bucks County Commissioner and now as a Member of Congress, I have received many phone calls, many letters from seniors looking to find ways to stay in their homes and pay their bills. How many seniors do the Members know who are struggling financially because they do not have a steady income stream coming in, but are sitting on a valuable asset that is not working for them, an asset that they cannot cash in: the home that they want to stay in for their retirement?

Last week, Mr. Speaker, I introduced H.R. 2892. This legislation is bipartisan and is endorsed by AARP. It will eliminate the volume cap on the Department of Housing and Urban Development's Home Equity Conversion Mortgage, commonly referred to as the FHA-insured reverse mortgage program. A reverse mortgage is a unique loan that enables senior homeowners to remain in their homes and be financially independent by converting part of the equity in their homes into tax-free income without having to sell the home, does not require them to give up title, or to take on new mortgage payments. The funds from a reverse mortgage can be used for needs that every senior faces like health care costs, prescription drug costs, in-home care, prevention of foreclosure, paying off existing debts, home repairs, modification, or simple daily living expenses.

Reverse mortgages are aptly named because the payment stream is reversed. Instead of making monthly payments to the lender, as with a regular mortgage, the lender makes payments to the senior homeowner. This unique loan enables senior homeowners who are house rich but cash poor to convert part of their equity in their homes into tax-free income and allow the homeowner great flexibility in choosing how to receive the money. They can opt to receive a lump sum, fixed monthly payments, a line of credit, or a combination of the three. No monthly payments are required during the term of the loan, and it is paid back only when the resident sells the home, passes away, or has permanently moved out of the home.

A key part of the reverse mortgage program is mandatory counseling. To make sure that no one rushes into a mortgage that they are unprepared for, the program requires mandatory counseling prior to applying for a reverse mortgage to ensure that the homeowner has a plan to use the payments in a responsible and beneficial manner. The reverse mortgage program has been successful and popular with senior homeowners, so much so that the rapid growth in these mortgages created a near crisis this April when concerns arose that the cap was going to be reached, leading to a suspension of the program.

While the cap was raised from $150,000 to $250,000 in the 2005 emergency supplemental appropriation bill, this is just a temporary solution. AARP stated that the only complete removal of the volume cap, which is

my bill, H.R. 2892, will prevent the possibility of future program disruptions that will be detrimental to seniors.

The importance of sustaining the FHA reverse mortgage program was further emphasized to me this past Monday while I was visiting in my district in Pennsylvania with several senior homeowners who recently obtained reverse mortgages.

Their stories are the same. They have worked their whole lives to obtain this home and to pay for the home. They have raised their children in the home. They have retired into their homes, and they live on Social Security income with basically no remaining savings. They have converted the equity in their home so that they can repair their homes, they can increase their standard of living, and they can live out their senior years with dignity in their own home.

Mr. Speaker, I think every Member of Congress can agree that seniors must have the option to stay in their homes as long as they wish. Lifelong homeownership is the American Dream. My legislation, H.R. 2892, would provide relief for those seniors faced with losing their homes. As we celebrate National Homeownership Month, it is fitting that Congress enact legislation that will allow existing homeowners to remain homeowners.

Today I call on all of my colleagues on both sides of the aisle to join me in this vital effort and to co-sponsor H.R. 2892.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DFAS BRAC COMMISSIONER VISIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of a wonderful facility, the DFAS center in Cleveland, the Defense Finance and Accounting Services Center in the city of Cleveland, originally founded in 1942 as the Navy Bureau of Supplies and Accounts. It was renamed in 1955, and then DFAS was created in 1991, established six field sites in 1995, a reorganization in 2000, and unfortunately this year DFAS in Cleveland has become a victim of a BRAC reorganization.

I am pleased to stand here today with the gentleman from Ohio (Mr. KUCINICH) from the Tenth Congressional District from Ohio, and we were joined earlier today by the gentleman from Ohio (Mr. LATOURETTE) from the 14th Congressional District. And in that process, we had an opportunity to meet with the BRAC Commissioner. He was a wonderful general by the name of ''Fig'' Newton, who came to give us a site visit on this particular issue.

And I am pleased to now engage in a colloquy with the gentleman from Ohio (Mr. KUCINICH).

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman for yielding to me and want to say what a pleasure and honor it is to work with her and with the gentleman from Ohio (Mr. LATOURETTE) as well in our effort to save over 1,000 jobs at the Defense Finance and Accounting Service in Cleveland, Ohio.

This is a center which is important for the entire Nation because this is a center which processes payroll for a total of 5.7 million Department of Defense employees, military, civilian, and retired, including 2 million Armed Forces members, Navy Active Reserve, Air Force Reserve and Guard, and Army Reserve; 2.4 million military retirees and annuitants. They also do work for the Department of Energy and the Office of Health and Human Services and for various armed service headquarters' elements.

I want to say that this center has been recognized and acknowledged across this country for the tremendous work which the people there do. They do the best accounting work; and now, despite the fact that they have been doing great work for decades, they are finding that the rug is being pulled out from them by a BRAC that does not even save any money.

Mrs. JONES of Ohio. Absolutely, Mr. Speaker. And, reclaiming my time, the interesting thing about this BRAC facility in the city of Cleveland, it has developed a system for garnishment, which is one of the ways in which we are able to collect child support for young people across this country. They have developed a system for retired annuitant pay that is one of the finest systems in the country. It just seems to me that they could not be considering the economic situation in the city of Cleveland in deciding to take this BRAC on.

I yield to the gentleman from Ohio to talk about that.

Mr. KUCINICH. Mr. Speaker, the gentlewoman is correct. Unfortunately, in the city whose responsibilities we share as Members of the Congress to represent the people here in the Federal Government, our city has had one of the highest poverty rates in America, and one of the criteria which must be taken into account during a BRAC are the economic conditions within the community. And it is clear that the economic conditions in the city of Cleveland were not taken into account, and that is one of the bases of the appeal that we are making to the BRAC Commission in Buffalo on Monday.

Mrs. JONES of Ohio. Mr. Speaker, reclaiming my time, it is very interesting that today we had an opportunity to have a rally with the DFAS workers and more than 1,000 of these workers came out in support of keeping their jobs. I am confident that with the work that we will do that we will be able to establish in this BRAC hearing on Monday in the city of Buffalo that the city of Cleveland deserves to hold on to this facility and that the 1,200 people along with the 1,000 people in county jobs who facilitate these services will be able to stay on.

I yield to the gentleman.

Mr. KUCINICH. Mr. Speaker, again, I want to thank the gentlewoman from Ohio (Mrs. JONES) for the tremendous leadership that she has shown in rallying the community. She really has performed a powerful service, as well as the work of the gentleman from Ohio (Mr. LATOURETTE), in building the case.

Keep in mind the BRAC Commission has the authority to change the Department's recommendations if it determines that the Secretary deviated substantially from the force structure and/or selection criteria, and I believe that the Department of Defense has clearly deviated from the selection criteria in two areas: the Secretary is required to consider, among several things, the military value and the economic impact on existing communities in the vicinity of the military installations, and the Department of Defense has erroneously ranked the military value for DFAS Cleveland low and states that a .01 percent within the Cleveland metropolitan statistical area has minimal economic impact.

We look forward to taking our case to Buffalo.

GEAR UP FACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, pretty much everybody tonight has been upset about something, and often when I come to the floor, I am too. But I wanted to share some good news, actually some good news inside the Labor-HHS appropriations bill, which is very tight in funding, and it involves the GEAR UP program, which I believe is a very important program, and, in fact, the President has proposed to zero it out and the Committee on Appropriations had put $306 million, the same funding as fiscal year 2005, in this.

It is a program that, from the first time we funded it in 1999, had only $120 million in it after we finally got it appropriated; and now it is up to $306 million in spite of a very tight budget.

I would like to give just a brief history of this program. The gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), when I was first elected in the class of 1994, came to me with this proposal of how to reach minority and low-income kids and give them some hope that someday they might be able to get student loans and someday might be able to get scholarships and aid, because it is one thing for a middle

class or upper class suburban family where somewhere between prenatal care and child care the parents are already getting their college catalogues out and trying to encourage them to go to college versus many families where they have never had anybody go to college, where they do not really feel there is going to be a chance.

And sometimes in Head Start and elementary school, when we go visit, we see the bright hopes in these kids' eyes and they want to be this and they want to be that, but somewhere around junior high they start to lose these hopes. That is why the gentleman from Pennsylvania (Mr. FATTAH) originally called this program High Hopes, because at eighth grade we now have a program that moves on through the high school years and the bulk of these dollars, half of it, go roughly to scholarships and half of it to help go into the schools to provide financial advice, to provide support, to basically tell these kids that if they keep a 2.0 grade average, and depending upon the State's program in Indiana where they have some other supplemental things, that they will guarantee them to get into a State university with financial aid, that they will be eligible for scholarship aid but will be guaranteed financial aid, that they will be worked through with this financial aid, that they will continue to receive some support.

And I believe that this program was a very critical program that, as we first moved it through committee, it was clear that we were very close in the votes. And with the gentleman from Michigan (Mr. UPTON) and then Congressman McIntosh and me, it wound up to be a tie vote, and Joe Scarborough, who is now on TV, cast the deciding vote, which caused quite a bit of uproar on our side, but we got it authorized. Then it moved through the appropriations process where we continued to move that, and by that time President Clinton adopted the program and changed the name to GEAR UP and helped push this program.

□ 1845

In fact, one of my more difficult moments was when we went to the signing ceremony, and then Congressman Lindsey Graham and I went to the ceremony, and our goal was particularly not to be in the picture with President Clinton. As a conservative Republican, it could have been the death of me politically. But we went to the White House, and when I left I made it through without a picture, and when I turned around, there was the gentleman from Pennsylvania (Mr. FATTAH) and he said, somebody wants to talk to you, and the whole press corps was there, and there is President Clinton. He starts talking to me about this program and thanking me for my help, with the gentleman from Pennsylvania (Mr. FATTAH) on this program. The bottom line was, I thought my career was going to be over.

But, secondly, it showed that you can do things in a bipartisan way. What I saw in the President's eyes was a commitment to these kids. What we have seen is the dangers of a lot of these programs, is when the Presidency changes the program gets abandoned.

Mr. Speaker, we have continued and expanded this program, even under a Republican administration, in a bipartisan way. At a time when we are divided on so many different issues, to be able to take an education program that is targeted for low-income kids across this country and continue to fund this is a tremendous credit, first to the gentleman from Pennsylvania (Mr. FATTAH) and his committed leadership, to the gentleman from Ohio (Chairman REGULA) in continuing to fund this, and it is a credit to this House that we at least have this program in place, supplemented with TRIO programs and other things, where we can tell young people in America that we can help provide some assistance to them and that, indeed, while you may not get exactly equal chances to everybody else, we are going to give you an opportunity in America, and we are going to give at least some assistance so you too can have some hope in this country.

And if we are going to compete worldwide, as Thomas Friedman in his great book says about the flattening of the earth, we have to have everybody in this country understand that if we are going to compete, we have to succeed. So it is important that we have some programs to supplement the family support system and the lack of some of the educational history in these high-risk families. Because they too have to get up to much higher competitive standards, and we have not been able to do this, and the GEAR UP program is one small step in that direction.

Mr. Speaker, I want to thank the subcommittee and the full committee and the United States Senate for continuing to fund the GEAR UP program.

LABOR–HHS BILL VIOLATES SENIORS' PRIVACY

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, when the House passed the so-called Medicare Modernization Act, the purported prescription drug benefit for seniors in the dark of the night, after holding the vote open for 3 hours by a small margin, a lot of Members did not know fully what was in the bill. We know we were lied to about the cost and that it was withheld from the Congress. There were a lot of other provisions people did not realize were in there.

But there is one that we still have a chance to correct tomorrow with an amendment I am going to offer. Seniors are going to be outraged if my amendment is not accepted.

The bill waives all privacy rights for seniors on Medicare and Medicaid. That is, the Secretary of Health and Human Services is, notwithstanding any other provision of law, able to disclose their personal information to private insurance companies who supposedly will not share it with anybody beyond their company. It is bad enough it is going to a bunch of private insurance companies, but we know, with the interconnectedness of these companies and problems with data retention, that these seniors are likely to have their data widely shared; in addition to which, that means these seniors will be solicited over the phone by mail, aggressively, by private prescription drug plans, insurance companies, obviously trying to sell them something they probably will not really understand.

Now, some people on that side will say, well, how else are we going to market this plan? You do it the way we do the Federal Employees Health Benefit Plan. The government compiles all the data, you send it to all the eligible people, and then you, the consumer, have a choice. They look at the ones they are interested in, they have a 1–800 number, a Web site, they contact them. We do not give the personal information about every Federal employee or Member of Congress to private insurance companies to solicit us; why should we do that to every senior in America? They will be outraged.

Mr. Speaker, it is a simple amendment. It just says that this will not go into effect, and then the Secretary of Health and Human Services can work out a much better plan for marketing this program that does not violate the sanctity, the privacy of all, every one of America's seniors. That would be an outrage, and they will notice.

PAYING TRIBUTE TO DICK HOYT, THE STRONGEST DAD IN THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to pay tribute to a man who is not from my districts or even from my State, but who certainly must be one of the most wonderful men of whom I have ever read. The story of Dick Hoyt of Holland, Massachusetts is one of the most amazing, inspiring stories I have ever read.

Rick Reilly, a columnist for Sports Illustrated, wrote about Mr. Hoyt in a column published in that magazine the week before last. Mr. Reilly described it as a love story that began 43 years ago when Mr. Hoyt's son Rick ''was strangled by the umbilical cord during birth, leaving him brain damaged and unable to control his limbs.''

The Hoyts were told Rick would be a vegetable for the rest of his life and that they should put him in an institution. They refused.

When Rick was 11, they took him to engineers at Tufts University to ask

them if there was some way to allow him to communicate. They were told, no way, nothing was going on in Rick's brain.

''Tell him a joke,'' Mr. Hoyt said. ''They did. Rick laughed.'' They had noticed the way Rick's eyes followed them around the room. There was a lot going on in Rick's brain.

The engineers rigged up a computer that Rick could peck letters on by hitting it with a stick attached to the side of his head. His first words were, ''Go Bruins!''

After a high school classmate of Rick's was paralyzed in an accident, and a charity run was organized, Rick pecked out the words, ''Dad, I want to do that.''

Mr. Hoyt, who called himself a porker, pushed Rick in that race, and Rick typed out ''Dad, when we were running, it felt like I was not disabled anymore.''

Now, here comes the amazing part.

Since that first race, Dick Hoyt has pushed Rick in 85 marathons, 26.2 miles each. Twenty-four times they have run in the Boston Marathon.

Listen to Rick Reilly's column: ''Their best time, 2 hours 40, minutes in 1992; only 35 minutes off the world record which, in case you don't keep track of these things, happens to be held by a guy who was not pushing another man in a wheelchair at the time.''

Now Dick Hoyt is 65, his son is 43. They have done 212 triathlons, including four grueling, 15-hour Ironmans in Hawaii, 8 triathlons altogether where the father not only pushed his son 26.2 miles in a wheelchair, but also pulled him 2.4 miles in a dinghy while swimming, and pedaled him 112 miles in a seat on the handlebars, all in the same day.

Columnist Reilly wrote, ''I try to be a good father, but compared with Dick Hoyt I suck.''

What a special son. What a special father. What a special story.

I thank Rick Reilly for writing such a wonderful column.

It is an honor to pay tribute to a man like Dick Hoyt.

I am sure that his special relationship with his son has inspired countless numbers across the land and has, in a very unique way, made this Nation a better place.

Mr. Speaker, I think it is the most inspiring story I have ever read. I would like to attach the column from Sports Illustrated to my remarks here tonight and call them to the attention of my colleagues and other readers of the RECORD.

[From Sports Illustrated]

STRONGEST DAD IN THE WORLD

(By Rick Reilly)

I try to be a good father. Give my kids mulligans. Work nights to pay for their text messaging. Take them to swimsuit shoots.

But compared with Dick Hoyt, I suck.

Eighty-five times he's pushed his disabled son, Rick, 26.2 miles in marathons. Eight times he's not only pushed him 26.2 miles in a wheelchair but also towed him 2.4 miles in a dinghy while swimming and pedaled him 112 miles in a seat on the handlebars—all in the same day.

Dick's also pulled him cross-country skiing, taken him on his back mountain climbing and once hauled him across the U.S. on a bike. Makes taking your son bowling look a little lame, right?

And what has Rick done for his father? Not much—except save his life.

This love story began in Winchester, Mass., 43 years ago, when Rick was strangled by the umbilical cord during birth, leaving him brain-damaged and unable to control his limbs.

''He'll be a vegetable the rest of his life;'' Dick says doctors told him and his wife, Judy, when Rick was nine months old. ''Put him in an institution.''

But the Hoyts weren't buying it. They noticed the way Rick's eyes followed them around the room. When Rick was 11 they took him to the engineering department at Tufts University and asked if there was anything to help the boy communicate. ''No way,'' Dick says he was told. ''There's nothing going on in his brain.''

''Tell him a joke,'' Dick countered. They did. Rick laughed. Turns out a lot was going on in his brain.

Rigged up with a computer that allowed him to control the cursor by touching a switch with the side of his head, Rick was finally able to communicate. First words? ''Go Bruins!'' And after a high school classmate was paralyzed in an accident and the school organized a charity run for him, Rick pecked out, ''Dad, I want to do that.''

Yeah, right. How was Dick, a self-described ''porker'' who never ran more than a mile at a time, going to push his son five miles? Still, he tried. ''Then it was me who was handicapped,'' Dick says. ''I was sore for two weeks.''

That day changed Rick's life. ''Dad,'' he typed, ''when we were running, it felt like I wasn't disabled anymore!''

And that sentence changed Dick's life. He became obsessed with giving Rick that feeling as often as he could. He got into such hard-belly shape that he and Rick were ready to try the 1979 Boston Marathon.

''No way,'' Dick was told by a race official. The Hoyts weren't quite a single runner, and they weren't quite a wheelchair competitor. For a few years Dick and Rick just joined the massive field and ran anyway, then they found a way to get into the race officially: In 1983 they ran another marathon so fast they made the qualifying time for Boston the following year.

Then somebody said, ''Hey, Dick, why not a triathlon?''

How's a guy who never learned to swim and hadn't ridden a bike since he was six going to haul his 110-pound kid through a triathlon? Still, Dick tried.

Now they've done 212 triathlons, including four grueling 15-hour Ironmans in Hawaii. It must be a buzzkill to be a 25-year-old stud getting passed by an old guy towing a grown man in a dinghy, don't you think?

Hey, Dick, why not see how you'd do on your own? ''No way,'' he says. Dick does it purely for ''the awesome feeling'' he gets seeing Rick with a cantaloupe smile as they run, swim and ride together.

This year, at ages 65 and 43, Dick and Rick finished their 24th Boston Marathon, in 5,083rd place out of more than 20,000 starters. Their best time'? Two hours, 40 minutes in 1992—only 35 minutes off the world record, which, in case you don't keep track of these things, happens to be held by a guy who was not pushing another man in a wheelchair at the time.

''No question about it,'' Rick types. ''My dad is the Father of the Century.''

And Dick got something else out of all this too. Two years ago he had a mild heart attack during a race. Doctors found that one of his arteries was 95% clogged. ''If you hadn't been in such great shape,'' one doctor told him, ''you probably would've died 15 years ago.''

So, in a way, Dick and Rick saved each other's life.

Rick, who has his own apartment (he gets home care) and works in Boston, and Dick, retired from the military and living in Holland, Mass., always find ways to be together. They give speeches around the country and compete in some backbreaking race every weekend, including this Father's Day.

That night, Rick will buy his dad dinner, but the thing he really wants to give him is a gift he can never buy.

''The thing I'd most like,'' Rick types, ''is that my dad sit in the chair and I push him once.''

STILL NO ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to talk, sadly, about the fact that America once again is completing another month, another halfway through another year, with no energy policy.

Is it important that we have an energy policy? Should we have an energy policy? Well, I happen to think we should. With oil approaching $60 a barrel and natural gas at $7.50 today, that is the highest fuel prices this country has faced, ever.

Gasoline, we hear a lot about. In the last 20 years, gasoline prices have increased 86 percent. It is on the news every night. We talk about it as if it is a tragedy. Now, it is painful, because it costs all of us more to drive than we would like. But we have choices there: what size vehicle, what kind of mileage it has, and what trips we take.

But in natural gas, the people that use natural gas heat their homes, provide their air-conditioning, run their businesses. They cannot make those same choices. Natural gas prices have increased in the same length of time 550 percent. I want to tell my colleagues, if you heard complaints last winter about natural gas prices for heating our homes, next year is going to be a lot more difficult. Because the gas we put in the ground today will have been paid $7.50 for, and last year at this time it was less than $5 that we were putting into the ground. We put it in storage in the ground at this time of year so we have enough in the winter.

We are now 62 to 64 percent dependent on foreign countries for oil. On natural gas, we are 88 percent self-sufficient. We import about 11 percent from Canada and 1 percent is from liquefied natural gas. Like I said before, $60-a-barrel oil is painful but, in my view, $7.50 and continuing rising natural gas prices has the ability to kill our economy, and I will tell my colleagues why.

We are an island to ourselves with natural gas prices. When we pay $55 or

$60 for oil, the whole world pays that, all our competitors pay that, and we are a very competitive global economy. But when we pay $7.50 for natural gas, Canada pays about $6. Europe is in the $5 range. China, our big competitor, pays $4, giving them another advantage on top of cheap labor and all the other ways they manipulate the economy.

Trinidad in northern South America, $1.60. Russia, 90 cents, North Africa, 80 cents. Because of these prices for natural gas and a government here in Washington who will do nothing about it, three industries are leaving our country that are some of the best-paying jobs we have left. Twenty-one fertilizer factories that our farmers depend on closed last year. Why? Because their number one ingredient to make fertilizer is natural gas as an ingredient and as a fuel to make it. The petrochemical companies, again, 40 to 55 percent of their cost is natural gas. They are leaving as we speak. The polymers in plastics, the best jobs in America, are leaving as we speak.

We could be totally self-sufficient on natural gas if we made the right decisions. We need to open up many areas of the West that have been locked up, and we need to streamline the permitting process so that natural gas can move forward timely. We need to open up the Outer Continental Shelf, where there is enough gas to totally supply this country for 50, 60 years without any question.

With the clean fuel, natural gas is the clean fuel. No NO_X, no SO_X, a fourth of the $C0_2$; it is the nonpolluting fuel, it is the one we ought to be using. We could be using it in vehicles, we could be using it in a lot of ways that we are not using it today to need less oil. But we must open the production of natural gas on our Outer Continental Shelf. Every country in the world, Canada, does and sells it to us. They drill in our Great Lakes and sell it to us. Europe, Germany, England, Norway, Sweden, Australia, New Zealand all produce gas on the Outer Continental Shelf, with no negative impact.

A natural gas well is not an environmental hazard. It is a 6-inch hole in the ground with a steel casing cemented at the bottom and at the top, and you let gas out. It is a gas that is a clean burning fuel. And when you are 40 or 50 miles offshore, nobody knows they are there. There are fine beaches where natural gas is produced. There is fine recreation, there is fine fisheries.

Natural gas is the bridge to the future of America's economy, and if this Congress does not do something about it, they are going to give the best jobs in America to the rest of the world. In fact, last year one of our major chemical companies moved 2,000 jobs to Germany; not a cheap market.

Mr. Speaker, my conclusion is the number one issue facing the economy of this country is the availability and the price of natural gas and the decision is in our hands, this Congress' hands, and we need to make it soon.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

(Mr. KELLER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

IMPLEMENTING THE DOMINICAN REPUBLIC-CENTRAL AMERICAN FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–36)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the Dominican Republic-Central America-United States Free Trade Agreement (the ''Agreement''). The Agreement represents an historic development in our relations with Central America and the Dominican Republic and reflects the commitment of the United States to supporting democracy, regional integration, and economic growth and opportunity in a region that has transitioned to peaceful, democratic societies.

In negotiating this Agreement, my Administration was guided by the objectives set out in the Trade Act of 2002. Central America and the Dominican Republic constitute our second largest export market in Latin America and our tenth largest export market in the world. The Agreement will create significant new opportunities for American workers, farmers, ranchers, and businesses by opening new markets and eliminating barriers. United States agricultural exports will obtain better access to the millions of consumers in Central America and the Dominican Republic.

Under the Agreement, tariffs on approximately 80 percent of U.S. exports will be eliminated immediately. The Agreement will help to level the playing field because about 80 percent of Central America's imports already enjoy duty-free access to our market. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and high levels of environmental protection in Central America and the Dominican Republic.

By supporting this Agreement, the United States can stand with those in the region who stand for democracy and freedom, who are fighting corruption and crime, and who support the rule of law. A stable, democratic, and growing Central America and Dominican Republic strengthens the United States economically and provides greater security for our citizens.

The Agreement is in our national interest, and I urge the Congress to approve it expeditiously.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 23, 2005.*

□ 1900

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–37)

The SPEAKER pro tempore (Mr. MCHENRY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2005. The most recent notice continuing this emergency was published in the Federal Register on June 25, 2004, 69 FR 36005.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework

Agreement of 2001 in the Republic of Macedonia, which have also become a concern. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 23, 2005*.

HONORING THE FALLEN IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Illinois (Mr. EMANUEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. EMANUEL. Mr. Speaker, there are 1,917 American military personnel who have given their lives in the service of our Nation in Iraq and Afghanistan. We owe these brave men and women, and their families, a debt of gratitude that can never fully be repaid.

It is our responsibility to honor the ultimate sacrifice that our men and women in uniform have made while serving our country. We often invoke their sacrifices in general. Seldom do we take the time to thank them individually.

My colleagues and I would like to take this hour and recognize these individual heroes on the floor of the people's House, their House. Over the next hour, and continuing next week until we finish, we will read the name and rank of each servicemember who has fallen in the Iraq and Afghanistan theaters of war.

By reading these names into the CONGRESSIONAL RECORD, we hope to ensure that our Nation never forgets their sacrifice, and their families will know that their loved ones will be part of the official CONGRESSIONAL RECORD.

As President Franklin Delano Roosevelt said, your loved one, ''stands in the unbroken line of Patriots who have dared to die that freedom might live, and grow and increase its blessings. Freedom lives, and through it he lives, in a way that humbles the undertakings of most men.''

God bless, and keep each of the brave Americans whose memory we now honor.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, as I continue, I just want to apologize for the inevitable mispronunciation that may come in. I hope that no one will think that this in any way denigrates the respect and admiration that we have for these brave people and the deep sympathy we extend to their families.

1. Master Sergeant Evander E. Andrews
2. Specialist John J. Edmunds
3. Private First Class Kristofor T. Stonesifer
4. Machinist's Mate Fireman Apprentice Bryant L. Davis
5. Engineman First Class Vincent Parker
6. Electronics Technician Third Class Benjamin Johnson
7. CIA Johnny Michael Spann
8. Private Giovanny Maria
9. Electrician's Mate Fireman Apprentice Michael Jakes, Jr.
10. Staff Sergeant Brian C. Prosser
11. Master Sergeant Jefferson D. Davis
12. Sergeant First Class Daniel H. Petithory
13. Sergeant First Class Nathan R. Chapman
14. Captain Matthew W. Bancroft
15. Lance Corporal Bryan P. Bertrand
16. Gunnery Sergeant Stephen L. Bryson
17. Captain Daniel G. McCollum
18. Staff Sergeant Scott N. Germosen
19. Sergeant Jeannette L. Winters
20. Sergeant Nathan P. Hays
21. Staff Sergeant Dwight J. Morgan
22. Staff Sergeant Walter F. Cohee III
23. Specialist Jason A. Disney
24. Major Curtis D. Feistner
25. Captain Bartt D. Owens
26. Chief Warrant Officer Jody L. Egnor
27. Staff Sergeant James P. Dorrity
28. Staff Sergeant Kerry W. Frith
29. Specialist Thomas F. Allison
30. Master Sergeant William L. McDaniel II
31. Staff Sergeant Juan M. Ridout
32. Specialist Curtis A. Carter
33. Chief Warrant Officer Stanley L. Harriman
34. Senior Airman Jason D. Cunningham
35. Technical Sergeant John A. Chapman
36. Sergeant Peter P. Crose
37. Specialist Marc A. Anderson
38. Private First Class Matthew A. Commons
39. Aviation Boatswain's Mate-Handling First Class Neil C. Roberts
40. Sergeant Philip J. Svitak
41. Chief Petty Officer Matthew J. Bourgeois
42. Staff Sergeant Brian T. Craig
43. Sergeant First Class Daniel A. Romero
44. Sergeant Jamie O. Maugans
45. Staff Sergeant Justin J. Galewski
46. Sergeant Gene A. Vance Jr.
47. Staff Sergeant Anissa A. Shero
48. Technical Sergeant Sean M. Corlew
49. Sergeant First Class Peter P. Tycz II
50. Sergeant First Class Christopher J. Speer
51. Sergeant Ryan D. Foraker
52. Lance Corporal Antonio J. Sledd
53. Private James H. Ebbers
54. Specialist Pedro Pena
55. Sergeant Steven Checo
56. Chief Warrant Officer Thomas J. Gibbons
57. Staff Sergeant Daniel Leon Kisling Jr.
58. Sergeant Gregory Michael Frampton
59. Chief Warrant Officer Mark O'Steen
60. Sergeant Michael C. Barry
61. Operations Officer Helge Boes
62. Specialist Brian Michael Clemens
63. Specialist Rodrigo Gonzalez-Garza
64. Sergeant William John Tracy Jr.
65. Chief Warrant Officer Timothy Wayne Moehling
66. Chief Warrant Officer John D. Smith
67. Private First Class Spence A. McNeil
68. Private First Class James R. Dillon Jr.
69. Navy Petty Officer Third Class Jason Profitt
70. Staff Sergeant John ''Mike'' Teal
71. Lieutenant Colonel John Stein
72. Senior Airman Jason Thomas Plite
73. First Lieutenant Tamara Long Archuleta
74. Staff Sergeant Jason Carlyle Hicks
75. Master Sergeant Michael Maltz
76. Sergeant Orlando Morales
77. Staff Sergeant Jacob L. Frazier
78. Private Jerod R. Dennis
79. Airman First Class Raymond Losano
80. Sergeant First Class John E. Taylor
81. Captain Seth R. Michaud
82. First Class Petty Officer Thomas E. Retzer
83. Specialist Kelvin Feliciano Gutierrez
84. Sergeant Christopher Geiger
85. Petty Officer First Class David Tapper

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina.

1. Sergeant First Class Mitchell A. Lane
2. Specialist Chad C. Fuller
3. Private First Class Adam L. Thomas
4. Private First Class Evan W. O'Neill
5. Private First Class Kristian E. Parker
6. Lieutenant Colonel Paul W. Kimbrough
7. Navy Petty Officer Darrell Jones
8. Civilian contractor William Carlson
9. Civilian contractor Christopher Glenn Mueller
10. Staff Sergeant Paul A. Sweeney
11. Sergeant Jay A. Blessing
12. Staff Sergeant Thomas A. Walkup Jr.
13. Major Steven Plumhoff
14. Technical Sergeant Howard A. Walters
15. Sergeant Major Phillip R. Albert
16. Technical Sergeant William J. Kerwood

17. Sergeant Theodore L. Perreault
18. Sergeant Roy A. Wood
19. Staff Sergeant Shawn M. Clemens
20. Specialist Robert J. Cook
21. Specialist Adam G. Kinser
22. Sergeant First Class Curtis Mancini
23. Staff Sergeant James D. Mowris
24. Specialist Justin A. Scott
25. Sergeant Danton K. Seitsinger
26. Sergeant Benjamin L. Gilman
27. Sergeant Nicholes Darwin Golding
28. Specialist David E. Hall
29. Staff Sergeant Anthony S. Lagman
30. Sergeant Michael J. Esposito Jr.
31. Command Sergeant Major Dennis Jallah
32. Commander Adrian Basil Szwec
33. Master Sergeant Herbert R. Claunch
34. Specialist Patrick D. Tillman
35. Specialist Phillip L. Witkowski
36. Private First Class Brandon James Wadman
37. Corporal Ronald R. Payne Jr.
38. Chief Warrant Officer Bruce E. Price
39. Petty Officer First Class Brian J. Ouellette
40. Captain Daniel W. Eggers
41. Staff Sergeant Robert J. Mogensen
42. Private First Class Joseph A. Jeffries
43. Corporal David M. Fraise

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD.

44. Lance Corporal Russell P. White
45. Private First Class Daniel B. McClenney
46. Lance Corporal Juston Tyler Thacker
47. Staff Sergeant Robert K. McGee
48. Specialist Julie R. Hickey
49. Specialist Juan Torres
50. Sergeant Bobby E. Beasley
51. Staff Sergeant Craig W. Cherry
52. Sergeant Daniel Lee Galvan
53. Staff Sergeant Robert S. Goodwin
54. Staff Sergeant Tony B. Olaes
55. Specialist Wesley R. Wells
56. Staff Sergeant Alan L. Rogers
57. Staff Sergeant Brian S. Hobbs
58. Specialist Kyle Ka Eo Fernandez
59. Corporal William M. Amundson Jr.
60. Airman First Class Jesse M. Samek
61. Corporal Billy Gomez
62. Specialist James C. Kearney III
63. Sergeant Michael C. O'Neill
64. Corporal Dale E. Fracker Jr.
65. Corporal Jacob R. Fleischer
66. Lieutenant Colonel Michael J. McMahon
67. Chief Warrant Officer Travis W. Grogan
68. Specialist Harley Miller
69. Specialist Isaac E. Diaz
70. Sergeant First Class Pedro A. Munoz
71. Sergeant Jeremy R. Wright
72. Specialist Richard M. Crane
73. Petty Officer First Class Alec Mazur
74. Staff Sergeant Shane M. Koele
75. Captain Michael T. Fiscus
76. Master Sergeant Michael T. Hiester
77. Specialist Brett M. Hershey
78. Private First Class Norman K. Snyder
79. Sergeant Major Barbaralien Banks
80. Master Sergeant Edwin A. Matoscolon
81. Sergeant James Shawn Lee
82. Captain David S. Connolly
83. Specialist Chrystal Gaye Stout
84. Sergeant Stephen C. High
85. Chief Warrant Officer Clint J. Prather
86. Chief Warrant Officer David Ayala

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Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE.

1. Major Jay Thomas Aubin
2. Captain Ryan Anthony Beaupre
3. Corporal Brian Matthew Kennedy
4. Staff Sgt. Kendall D. Waters-Bey
5. Second Lieutenant Therrel Shane Childers
6. Lance Corporal Jose Antonio Gutierrez
7. Lieutenant Thomas Mullen Adams
8. Specialist Brandon Scott Tobler
9. Sergeant Nicolas Michael Hodson
10. Lance Corporal Eric James Orlowski
11. Captain Christopher Scott Seifert
12. Second Lieutenant Frederick Eben Pokorney Jr.
13. Sergeant Michael Edward Bitz
14. Lance Corporal Thomas Alan Blair
15. Lance Corporal Brian Rory Buesing
16. Lance Corporal David Keith Fribley
17. Corporal Jose Angel Garibay
18. Corporal Jorge Alonso Gonzalez
19. Staff Sergeant Phillip Andrew Jordan
20. Lance Corporal Patrick Ray Nixon
21. Corporal Randal Kent Rosacker
22. Lance Corporal Thomas Jonathan Slocum
23. Lance Corporal Michael Jason Williams
24. Sergeant George Edward Buggs
25. Specialist Jamaal Rashard Addison
26. Master Sergeant Robert John Dowdy
27. Private Ruben Estrella-Soto
28. Private First Class Howard Johnson II
29. Chief Warrant Officer Johnny Villareal Mata
30. Specialist James Michael Kiehl
31. Private First Class Lori Ann Piestewa
32. Private Brandon Ulysses Sloan
33. Sergeant Donald Ralph Walters
34. Corporal Evan Tyler James
35. Sergeant Bradley Steven Korthaus
36. Specialist Gregory Paul Sanders
37. Hospital Corpsman Third Class Michael Vann Johnson Jr.
38. Private First Class Francisco Abraham Martinez-Flores
39. Staff Sergeant Donald Charles May Jr.
40. Lance Corporal Patrick Terence O'Day
41. Corporal Robert Marcus Rodriguez
42. Major Gregory Lewis Stone
43. Major Kevin Gerard Nave
44. Gunnery Sergeant Joseph Menusa
45. Lance Corporal Jesus Alberto Suarez del Solar
46. Sergeant Roderic Antoine Solomon
47. Sergeant Fernando Padilla-Ramirez
48. Lance Corporal William Wayne White
49. Private First Class Michael Russell Creighton-Weldon
50. Private First Class Diego Fernando Rincon
51. Corporal Michael Edward Curtin
52. Sergeant Eugene Williams
53. Staff Sergeant James Wilford Cawley
54. Sergeant Michael Vernon Lalush
55. Captain Aaron Joseph Contreras
56. Sergeant Brian Daniel McGinnis
57. Specialist Brandon Jacob Rowe
58. Specialist William Andrew Jeffries
59. Sergeant Jacob Lee Butler
60. Lance Corporal Joseph Basil Maglione III
61. Lance Corporal Brian Edward Anderson
62. Private First Class Christian Daniel Gurtner
63. Master Sergeant George Andrew Fernandez
64. Captain James Francis Adamouski
65. Specialist Matthew George Boule
66. Chief Warrant Officer Erik Anders Halvorsen
67. Chief Warrant Officer Scott Jamar
68. Chief Warrant Officer Eric Allen Smith

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY.

69. Sergeant Michael Francis Pedersen
70. Specialist Donald Samuel Oaks Jr.
71. Sergeant First Class Randall Scott Rehn
72. Sergeant Todd James Robbins
73. Staff Sergeant Nino Dugue Livaudais
74. Specialist Ryan Patrick Long
75. Captain Russell Brian Rippetoe
76. Private First Class Chad Eric Bales
77. Corporal Mark Asher Evnin
78. Corporal Erik Hernandez Silva
79. Staff Sergeant Wilbert Davis
80. Captain Edward Jason Korn
81. Captain Benjamin Wilson Sammis
82. Captain Tristan Neil Aitken

83. Private First Class Wilfred Davyrussell Bellard
84. Specialist Daniel Francis Cunningham Jr.
85. Private Devon Demilo Jones
86. Sergeant First Class Paul Ray Smith
87. Captain Travis Allen Ford
88. Corporal Bernard George Gooden
89. First Lieutenant Brian Michael McPhillips
90. Sergeant Duane Roy Rios
91. Specialist Larry Kenyatta Brown
92. Staff Sergeant Stevon Alexander Booker
93. First Sergeant Edward Smith
94. Private First Class Gregory Paul Huxley Jr.
95. Private Kelley Stephen Prewitt
96. Staff Sergeant Lincoln Daniel Hollinsaid
97. Lance Corporal Andrew Julian Aviles
98. Corporal Jesus Martin Antonio Medellin
99. Second Lieutenant Jeffrey Joseph Kaylor
100. Private First Class Anthony Scott Miller
101. Specialist George Arthur Mitchell Jr.
102. Corporal Henry Levon Brown
103. Private First Class Juan Guadalupe Garza Jr.
104. Private First Class Jason Michael Meyer
105. Staff Sergeant Robert Anthony Stever
106. Staff Sergeant Scott Douglas Sather

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER.

1. Gunnery Sergeant Jeffrey Edward Bohr Jr.
2. Staff Sergeant Terry Wayne Hemingway
3. Staff Sergeant Riayan Augusto Tejeda
4. Corporal Jesus Angel Gonzalez
5. Lance Corporal David Edward Owens Jr.
6. Specialist Gil Mercado
7. Private First Class John Eli Brown
8. Specialist Thomas Arthur Foley III
9. Corporal Armando Ariel Gonzalez
10. Specialist Richard Allen Goward
11. Private First Class Joseph Patrick Mayek
12. Corporal Jason David Mileo
13. Corporal John Travis Rivero
14. Chief Warrant Officer Andrew Todd Arnold
15. Specialist Roy Russell Buckley
16. Chief Warrant Officer Robert William Channell Jr.
17. Lance Corporal Alan Dinh Lam
18. Specialist Edward John Anguiano
19. Sergeant Troy David Jenkins
20. First Lieutenant Osbaldo Orozco
21. Specialist Narson Bertil Sullivan
22. First Sergeant Joe Jesus Garza
23. Sergeant Sean C. Reynolds
24. Private Jason L. Deibler
25. Chief Warrant Officer Brian K. Van Dusen
26. Chief Warrant Officer Hans N. Gukeisen
27. Corporal Richard P. Carl
28. Lance Corporal Cedric E. Bruns
29. Lance Corporal Matthew R. Smith
30. Lance Corporal Jakub Henryk Kowalik
31. Private First Class Jose F. Gonzalez Rodriguez
32. Staff Sergeant Patrick Lee Griffin Jr.
33. Lance Corporal Nicholas Brian Klieboeker
34. Specialist David T. Nutt
35. Master Sergeant William L. Payne
36. Corporal Douglas Jose Marencoreyes
37. Specialist Rasheed Sahib
38. Captain Andrew David LaMont
39. Lance Corporal Jason William Moore
40. First Lieutenant Timothy Louis Ryan
41. Lieutenant Nathan Dennis White
42. Sergeant Kirk Allen Straseskie
43. Lieutenant Colonel Dominic Rocco Baragona

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY.

44. Specialist Nathaniel A. Caldwell
45. Private David Evans Jr.
46. Private First Class Jeremiah D. Smith
47. Major Matthew E. Schram
48. Staff Sergeant Brett J. Petriken
49. Private Kenneth A. Nalley
50. Sergeant Keman L. Mitchell
51. Staff Sergeant Michael B. Quinn
52. Sergeant Thomas F. Broomhead
53. Staff Sergeant Kenneth R. Bradley
54. Specialist Jose A. Perez III
55. Specialist Kyle A. Griffin
56. Specialist Michael T. Gleason
57. Specialist Zachariah W. Long
58. Sergeant Jonathan W. Lambert
59. Sergeant Atanasio Haro Marin Jr.
60. Private First Class Branden F. Oberleitner
61. Petty Officer Third Class Doyle W. Bollinger Jr.
62. Sergeant Travis L. Burkhardt
63. Private Jesse M. Halling
64. Sergeant Michael E. Dooley
65. Private First Class Gavin L. Neighbor
66. Specialist John K. Klinesmith Jr.
67. Staff Sergeant Andrew R. Pokorny
68. Private First Class Ryan R. Cox
69. Specialist Joseph D. Suell
70. Private Shawn D. Pahnke
71. Sergeant Michael L. Tosto
72. Private Robert L. Frantz
73. Private First Class Michael R. Deuel
74. Staff Sergeant William T. Latham
75. Specialist Paul T. Nakamura
76. Specialist Orenthial Javon Smith
77. Sergeant First Class Gladimir Philippe
78. Specialist Cedric Lamont Lennon
79. Private First Class Kevin C. Ott
80. Lance Corporal Gregory E. MacDonald
81. Specialist Andrew F. Chris
82. Specialist Richard P. Orengo

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota.

1. Specialist Corey A. Hubbell
2. Corporal Tomas Sotelo Jr.
3. Sergeant Timothy M. Conneway
4. First Sergeant Christopher D. Coffin
5. Corporal Travis J. Bradachnall
6. Private First Class Edward J. Herrgott
7. Private First Class Corey L. Small
8. Specialist Jeffrey M. Wershow
9. Sergeant David B. Parson
10. Staff Sergeant Barry Sanford Sr.
11. Specialist Chad L. Keith
12. Private Robert L. McKinley
13. Sergeant First Class Craig A. Boling
14. Sergeant Melissa Valles
15. Lance Corporal Jason Tetrault
16. Sergeant Roger Dale Rowe
17. Sergeant First Class Dan H. Gabrielson
18. Specialist Christian C. Schultz
19. Specialist Joshua M. Neusche
20. Captain Paul J. Cassidy
21. Sergeant Jaror C. Puello-Coronado
22. Sergeant Michael T. Crockett
23. Lance Corporal Cory Ryan Geurin
24. Specialist Ramon Reyes Torres
25. Petty Officer Third Class David J. Moreno
26. Sergeant Mason Douglas Whetstone
27. Specialist Joel L. Bertoldie
28. Second Lieutenant Jonathan D. Rozier
29. Sergeant First Class Christopher R. Willoughby
30. Sergeant Jason D. Jordan
31. Sergeant Justin W. Garvey
32. Corporal Mark Anthony Bibby
33. Specialist Jon P. Fettig
34. Specialist Brett T. Christian
35. Captain Joshua T. Byers
36. Staff Sergeant Hector R. Perez
37. Private First Class Raheen Tyson Heighter
38. Corporal Evan Asa Ashcraft
39. Sergeant Juan M. Serrano
40. Specialist Wilfredo Perez Jr.
41. Sergeant Daniel K. Methvin
42. Private First Class Jonathan M. Cheatham
43. Specialist Jonathan P. Barnes
44. Sergeant Heath A. McMillin
45. Specialist William J. Maher III
46. Sergeant Nathaniel Hart Jr.
47. Captain Leif E. Nott
48. Specialist James I. Lambert III
49. Private Michael J. Deutsch
50. Specialist Justin W. Hebert
51. Staff Sergeant David L. Loyd
52. Specialist Ronald D. Allen Jr.
53. Specialist Farao K. Letufuga
54. Sergeant Leonard D. Simmons
55. Staff Sergeant Brian R. Hellerman

56. Private Kyle C. Gilbert
57. Specialist Zeferino E. Colunga
58. Private First Class Duane E. Longstreth
59. Private First Class Brandon Ramsey
60. Private Matthew D. Bush
61. Sergeant Floyd G. Knighten Jr.
62. Specialist Levi B. Kinchen
63. Staff Sergeant David S. Perry
64. Private First Class Daniel R. Parker
65. Staff Sergeant Richard S. Eaton Jr.
66. Private First Class Timmy R. Brown Jr.
67. Sergeant Taft V. Williams
68. Sergeant Steven W. White
69. Private First Class David M. Kirchhoff
70. Specialist Eric R. Hull
71. Specialist Kenneth W. Harris Jr.
72. Staff Sergeant Bobby C. Franklin
73. Lieutenant Kylan A. Jones-Huffman
74. Private First Class Michael S. Adams
75. Specialist Stephen M. Scott
76. Private First Class Vorn J. Mack
77. Private First Class Pablo Manzano
78. Specialist Darryl T. Dent
79. Lieutenant Colonel Anthony L. Sherman
80. Specialist Rafael L. Navea
81. Sergeant Gregory A. Belanger
82. Staff Sergeant Mark A. Lawton
83. Kristian E. Parker
84. Sergeant Sean K. Cataudella

□ 1930

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, in honor of their valor, courage and sacrifice, Sergeant Charles Todd Caldwell.

1. Staff Sergeant Cameron B. Sarno
2. Staff Sergeant Joseph Camara
3. Private First Class Christopher A. Sisson
4. Technical Sergeant Bruce E. Brown
5. Specialist Jarrett B. Thompson
6. Specialist Ryan G. Carlock
7. Staff Sergeant Joseph E. Robsky Jr.
8. Sergeant Henry Ybarra III
9. Master Sergeant Kevin N. Morehead
10. Sergeant First Class William M. Bennett
11. Sergeant Trevor A. Blumberg
12. Specialist Alyssa R. Peterson
13. Staff Sergeant Kevin C. Kimmerly
14. Specialist James C. Wright
15. Sergeant Anthony O. Thompson
16. Specialist Richard Arriaga
17. Captain Brian R. Faunce
18. Staff Sergeant Frederick L. Miller Jr.
19. Sergeant David Travis Friedric
20. Specialist Lunsford B. Brown II
21. Specialist Paul J. Sturino
22. Specialist Michael Andrade
23. Captain Robert L. Lucero
24. Sergeant First Class Robert E. Rooney
25. Specialist Kyle G. Thomas
26. Sergeant Darrin K. Potter
27. Staff Sergeant Christopher E. Cutchall
28. Sergeant Andrew Joseph Baddick
29. Specialist Dustin K. McGaugh
30. Specialist Simeon Hunte
31. Private First Class Analaura Esparza Gutierrez
32. Command Sergeant James Blankenbecler
33. Private First Class Charles M. Sims
34. Specialist James H. Pirtle
35. Second Lieutenant Richard Torres
36. Private First Class Kerry D. Scott
37. Specialist Spencer Timothy Karol
38. Staff Sergeant Christopher W. Swisher
39. Specialist Joseph C. Norquist
40. Specialist James E. Powell
41. Private First Class Stephen E. Wyatt
42. Specialist Donald L. Wheeler
43. Private Benjamin L. Freeman
44. Specialist Douglas J. Weismantle
45. Private First Class Jose Casanova
46. Lieutenant Colonel Kim S. Orlando
47. Corporal Sean R. Grilley
48. Staff Sergeant Joseph P. Bellavia
49. Private First Class John D. Hart
50. First Lieutenant David R. Bernstein
51. Staff Sergeant Paul J. Johnson
52. Private First Class Paul J. Bueche
53. Specialist John P. Johnson
54. Captain John R. Teal
55. Sergeant Michael S. Hancock
56. Specialist Jose L. Mora
57. Specialist Artimus D. Brassfield
58. Staff Sergeant Jamie L. Huggins
59. Lieutenant Colonel Charles H. Buehring
60. Private First Class Rachel K. Bosveld
61. Private First Class Steven Acosta
62. Sergeant Aubrey D. Bell
63. Private Jonathan I. Falaniko
64. Specialist Isaac Campoy
65. Sergeant Michael Paul Barrera
66. Private Algernon Adams
67. Second Lieutenant Todd J. Bryant
68. Specialist Maurice J. Johnson
69. First Lieutenant Joshua C. Hurley
70. Private First Class Karina S. Lau
71. Staff Sergeant Paul A. Velasquez
72. Private First Class Anthony D. Dagostino
73. First Lieutenant Brian D. Slavenas
74. Chief Warrant Officer Bruce A. Smith
75. First Lieutenant Benjamin J. Colgan
76. Staff Sergeant Joe Nathan Wilson
77. Sergeant Ross A. Pennanen
78. Sergeant Ernest G. Bucklew
79. Sergeant Joel Perez
80. Specialist Frances M. Vega
81. Specialist Darius T. Jennings
82. Sergeant Keelan L. Moss
83. Specialist Brian H. Penisten

Mr. EMANUEL.

1. Specialist Steven Daniel Conover
2. Staff Sergeant Daniel A. Bader
3. Private First Class Rayshawn S. Johnson
4. Sergeant Francisco Martinez
5. Specialist Robert T. Benson
6. Sergeant First Class Jose A. Rivera
7. Sergeant Paul F. Fisher
8. Specialist James A. Chance III
9. Specialist James R. Wolf
10. Sergeant Scott C. Rose
11. Command Sergeant Major Cornell W. Gilmore I
12. Chief Warrant Officer Kyran E. Kennedy
13. Captain Benedict J. Smith
14. Staff Sergeant Paul M. Neff II
15. Staff Sergeant Morgan DeShawn Kennon
16. Chief Warrant Officer Sharon T. Swartworth
17. Private Kurt R. Frosheiser
18. Staff Sergeant Mark D. Vasquez
19. Staff Sergeant Gary L. Collins
20. Sergeant Nicholas A. Tomko
21. Specialist Genaro Acosta
22. Specialist Marlon P. Jackson
23. Specialist Robert A. Wise
24. Staff Sergeant Nathan J. Bailey
25. Private First Class Jacob S. Fletcher
26. Sergeant Joseph Minucci II
27. Specialist Irving Medina
28. Sergeant Timothy L. Hayslett
29. Sergeant Warren S. Hansen
30. Private First Class Damian L. Heidelberg
31. Specialist Ryan T. Baker
32. Specialist William D. Dusenbery
33. Sergeant Michael D. Acklin II
34. Specialist Eugene A. Uhl III
35. Sergeant First Class Kelly Bolor
36. Chief Warrant Officer Erik C. Kesterson
37. Chief Warrant Officer Scott A. Saboe
38. Sergeant John W. Russell
39. Specialist John R. Sullivan
40. Second Lieutenant Jeremy L. Wolfe
41. Specialist Jeremiah J. DiGiovanni
42. Private First Class Joey D. Whitener
43. Captain Pierre E. Piche
44. Private First Class Richard W. Hafer
45. Chief Warrant Officer Alexander S. Coulter
46. Captain James A. Shull
47. Staff Sergeant Dale A. Panchot
48. Captain Nathan S. Dalley
49. Private Scott Matthew Tyrrell
50. Captain George A. Wood
51. Specialist Joseph L. Lister
52. Corporal Gary B. Coleman
53. Private First Class Damian S. Bushart
54. Specialist Robert D. Roberts
55. Specialist Rel A. Ravago IV
56. Command Sergeant Major Jerry L. Wilson
57. Staff Sergeant Eddie E. Menyweather

58. Chief Warrant Officer Christopher G. Nason
59. Corporal Darrell L. Smith
60. Specialist David J. Goldberg
61. Specialist Thomas J. Sweet II
62. Sergeant Ariel Rico
63. Staff Sergeant Stephen A. Bertolino
64. Specialist Aaron J. Sissel
65. Specialist Uday Singh
66. Chief Warrant Officer Clarence E. Boone
67. Specialist Raphael S. Davis
68. Sergeant Ryan C. Young
69. Specialist Arron R. Clark
70. Private First Class Ray J. Hutchinson
71. Private First Class Jason G. Wright
72. Specialist Christopher Jude Rivera Wesley
73. Specialist Joseph M. Blickenstaff
74. Staff Sergeant Steven H. Bridges
75. Specialist Todd M. Bates
76. Staff Sergeant Richard A. Burdick
77. Private First Class Jerrick M. Petty
78. Staff Sergeant Aaron T. Reese
79. Specialist Marshall L. Edgerton
80. Private First Class Jeffrey F. Braun
81. Sergeant Jarrod W. Black
82. Staff Sergeant Kimberly A. Voelz
83. Specialist Rian C. Ferguson
84. Private First Class Kenneth C. Souslin

Mr. EMANUEL. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MCCARTHY) beginning with the names reading from 2004.

Mrs. MCCARTHY. Mr. Speaker, Specialist Nathan W. Nakis.

1. Specialist Christopher J. Holland
2. Sergeant Glenn R. Allison
3. Private First Class Charles E. Bush Jr.
4. Private First Class Stuart W. Moore
5. First Lieutenant Edward M. Saltz
6. Major Christopher J. Splinter
7. Captain Christopher F. Soelzer
8. Sergeant Benjamin W. Biskie
9. Command Sergeant Major Eric F. Cooke
10. Sergeant Michael E. Yashinski
11. Staff Sergeant Thomas W. Christensen
12. Staff Sergeant Stephen C. Hattamer
13. Specialist Charles G. Haight
14. Specialist Michael G. Mihalakis
15. Staff Sergeant Michael J. Sutter
16. Captain Ernesto M. Blanco
17. Private Rey D. Cuervo
18. Sergeant Curt E. Jordan Jr.
19. Specialist Justin W. Pollard
20. Sergeant Dennis A. Corral
21. Specialist Solomon C. ''Kelly'' Bangayan
22. Captain Eric Thomas Paliwoda
23. Specialist Marc S. Seiden
24. Captain Kimberly N. Hampton
25. Specialist Luke P. Frist
26. Private First Class Jesse D. Mizener
27. Chief Warrant Officer Ian D. Manuel
28. Sergeant Jeffrey C. Walker
29. Chief Warrant Officer Aaron A. Weaver
30. Staff Sergeant Craig Davis
31. Specialist Michael A. Diraimondo
32. Specialist Nathaniel H. Johnson
33. Chief Warrant Officer Philip A. Johnson Jr.
34. Sergeant First Class Gregory B. Hicks
35. Specialist Christopher A. Golby
36. Staff Sergeant Ricky L. Crockett
37. Sergeant Keicia M. Hines
38. Staff Sergeant Roland L. Castro
39. Sergeant Edmond Lee Randle Jr.
40. Specialist Larry E. Polley Jr.
41. Private First Class Cody J. Orr
42. Master Sergeant Kelly L. Hornbeck
43. Private First Class James D. Parker
44. Specialist Gabriel T. Palacios
45. Chief Warrant Officer Brian D. Hazelgrove
46. Chief Warrant Officer Michael T. Blaise
47. Specialist Jason K. Chappell
48. Private First Class Ervin Dervishi
49. Staff Sergeant Kenneth W. Hendrickson
50. Sergeant Randy S. Rosenberg
51. Sergeant Keith L. Smette
52. Specialist William R. Sturges Jr.
53. Staff Sergeant Christopher Bunda
54. Chief Warrant Officer Patrick D. Dorff
55. First Lieutenant Adam G. Mooney
56. Sergeant Travis A. Moothart
57. Sergeant Cory R. Mracek
58. Sergeant First Class James T. Hoffman
59. Second Lieutenant Luke S. James
60. Staff Sergeant Lester O. Kinney II
61. Captain Matthew J. August
62. Staff Sergeant Sean G. Landrus
63. Private First Class Luis A. Moreno
64. Private First Class Holly J. McGeogh
65. Sergeant Eliu A. Miersandoval
66. Corporal Juan C. Cabral Banuelos
67. Private First Class Armando Soriano
68. Second Lieutenant Seth J. Dvorin
69. Specialist Joshua L. Knowles
70. Staff Sergeant Richard P. Ramey
71. Sergeant Thomas D. Robbins
72. Sergeant Elijah Tai Wah Wong
73. Master Sergeant Jude C. Mariano
74. Private First Class William C. Ramirez
75. Sergeant Patrick S. Tainsh
76. Specialist Eric U. Ramirez
77. Private Bryan N. Spry
78. Specialist Christopher M. Taylor
79. Private First Class Nichole M. Frye
80. Specialist Michael M. Merila
81. Specialist Roger G. Ling
82. Second Lieutenant Jeffrey C. Graham
83. Sergeant First Class Henry A. Bacon

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, Chief Warrant Officer Matthew C. Laskowski.

1. Chief Warrant Officer Stephen M. Wells
2. Specialist Michael R. Woodliff
3. Petty Officer Second Class Michael J. Gray
4. Captain Gussie M. Jones
5. Private First Class Matthew G. Milczark
6. Sergeant First Class Richard S. Gottfried
7. Specialist Edward W. Brabazon
8. Private First Class Bert Edward Hoyer
9. Specialist Christopher K. Hill
10. Staff Sergeant Joe L. Dunigan Jr.
11. Specialist Jason C. Ford
12. Captain John F. ''Hans'' Kurth
13. Specialist Jocelyn ''Joce'' L. Carrasquillo
14. Private First Class Joel K. Brattain
15. Sergeant Daniel J. Londono
16. Sergeant First Class Clint D. Ferrin
17. Sergeant William J. Normandy
18. First Lieutenant Michael R. Adams
19. Master Sergeant Thomas R. Thigpen Sr.
20. Specialist Tracy L. Laramore
21. Sergeant Ivory L. Phipps
22. Private First Class Ricky A. Morris Jr.
23. Private First Class Brandon C. Smith
24. Private First Class Ernest Harold Sutphin
25. Corporal Andrew D. Brownfield
26. Specialist Doron Chan
27. Specialist Clint Richard ''Bones'' Matthews
28. Corporal David M. Vicente
29. Private First Class Jason C. Ludlam
30. First Lieutenant Michael W. Vega
31. Specialist Matthew J. Sandri
32. Major Mark D. Taylor
33. Private Dustin L. Kreider
34. Private First Class Christopher E. Hudson
35. Lance Corporal Andrew S. Dang
36. Private First Class Bruce Miller Jr.
37. Staff Sergeant Wentz Jerome Henry Shanaberger III
38. Lance Corporal Jeffrey C. Burgess
39. Specialist Adam D. Froehlich
40. Lance Corporal James A. Casper
41. Private First Class Leroy Sandoval Jr.
42. Master Sergeant Timothy Toney
43. Private First Class Sean M. Schneider
44. Specialist Jeremiah J. Holmes
45. Master Sergeant Richard L. Ferguson
46. Lance Corporal William J. Wiscowiche
47. Private Brandon L. Davis
48. Private First Class Cleston C. Raney
49. Specialist Michael G. Karr Jr.
50. Specialist Sean R. Mitchell
51. First Lieutenant Doyle M. Hufstedler
52. Private First Class Dustin M. Sekula
53. Private First Class William R. Strange
54. Lance Corporal Aric J. Barr
55. Private First Class John D. Amos II
56. Corporal Tyler R. Fey

57. Private First Class Geoffrey S. Morris
58. Specialist Philip G. Rogers
59. Sergeant Michael W. Mitchell
60. Sergeant Yihiyh L. Chen
61. Specialist Robert R. Arsiaga
62. Specialist Stephen D. Hiller
63. Specialist Ahmed Akil ''Mel'' Cason
64. Specialist Israel Garza
65. Corporal Forest Joseph Jostes
66. Specialist Casey Sheehan
67. Specialist Scott Quentin Larson Jr.
68. Sergeant David M. McKeever
69. Private First Class Christopher Ramos
70. Corporal Jesse L. Thiry
71. Lance Corporal Matthew K. Serio
72. Lance Corporal Shane Lee Goldman
73. Private First Class Moises A. Langhorst
74. Private First Class Christopher R. Cobb
75. Private First Class Ryan M. Jerabek
76. Lance Corporal Travis J. Layfield
77. Lance Corporal Anthony P. Robert
78. Private First Class Benjamin R. Carman
79. Lance Corporal Marcus M. Cherry
80. Second Lieutenant John Thomas Wroblewski
81. Lance Corporal Kyle D. Crowley
82. Staff Sergeant Allan K. Walker
83. Private First Class Deryk L. Hallal

□ 1945

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO.

1. Sergeant Gerardo Moreno
2. Sergeant Lee Duane Todacheene
3. Petty Officer Third Class Fernando A. Mendez-Aceves
4. Staff Sergeant George S. Rentschler
5. Specialist Tyanna S. Felder
6. Captain Brent L. Morel
7. Sergeant First Class Marvin Lee Miller
8. Private First Class Christopher D. Mabry
9. Sergeant First Class William W. Labadie Jr.
10. Specialist Isaac Michael Nieves
11. Staff Sergeant William M. Harrell
12. Lance Corporal Phillip E. Frank
13. Lance Corporal Levi T. Angell
14. Lance Corporal Christopher B. Wasser
15. Corporal Nicholas J. Dieruf
16. Lance Corporal Michael B. Wafford
17. First Lieutenant Joshua M. Palmer
18. Specialist Jonathan Roy Kephart
19. Sergeant Felix M. Delgreco
20. Corporal Matthew E. Matula
21. Lance Corporal Elias Torrez III
22. Corporal Michael Raymond Speer
23. Private First Class Chance R. Phelps
24. Private First Class Eric A. Ayon
25. Staff Sergeant Don Steven McMahan
26. Specialist Michelle M. Witmer
27. Specialist Peter G. Enos
28. Private First Class Gregory R. Goodrich
29. Staff Sergeant Toby W. Mallet
30. Specialist Allen Jeffrey ''A.J.'' Vandayburg
31. Staff Sergeant Raymond Edison Jones Jr.
32. Sergeant Elmer C. Krause
33. Airman First Class Antoine J. Holt
34. Specialist Adolf C. Carballo
35. Specialist Justin W. Johnson
36. Sergeant William C. Eckhart
37. Private First Class George D. Torres
38. First Lieutenant Oscar Jimenez
39. Lance Corporal Torrey L. Gray
40. Corporal Daniel R. Amaya
41. Chief Warrant Officer Lawrence S. Colton
42. Chief Warrant Officer Wesley C. Fortenberry
43. Private First Class Nathan P. Brown
44. Sergeant Major Michael Boyd Stack
45. Lance Corporal Robert Paul Zurheide Jr.
46. Lance Corporal Brad S. Shuder
47. Private Noah L. Boye
48. Corporal Kevin T. Kolm
49. Staff Sergeant Victor A. Rosaleslomeli
50. Specialist Richard K. Trevithick
51. Sergeant Christopher Ramirez
52. Specialist Frank K. Rivers Jr.
53. Staff Sergeant Jimmy J. Arroyave
54. Sergeant Brian M. Wood
55. Specialist Dennis B. Morgan
56. Specialist Michael A. McGlothin
57. Specialist Marvin A. Camposiles
58. Private First Class Clayton Welch Henson
59. First Lieutenant Robert L. Henderson II
60. Sergeant Jonathan N. Hartman
61. Staff Sergeant Edward W. Carman
62. Lance Corporal Gary F. Van Leuven
63. Lance Corporal Ruben Valdez Jr.
64. Lance Corporal Michael J. Smith Jr.
65. Captain Richard J. Gannon II
66. Corporal Christopher A. Gibson
67. Private First Class Leroy Harris-Kelly
68. First Sergeant Bradley C. Fox
69. Specialist Christopher D. Gelineau
70. Corporal Jason L. Dunham
71. Private First Class Shawn C. Edwards
72. Staff Sergeant Cory W. Brooks
73. Petty Officer Third Class Nathan B. Bruckenthal
74. Petty Officer Second Class Christopher E. Watts
75. Petty Officer First Class Michael J. Pernaselli
76. Staff Sergeant Stacey C. Brandon
77. Staff Sergeant Billy J. Orton
78. Chief Warrant Officer Patrick W. Kordsmeier
79. Captain Arthur L. ''Bo'' Felder
80. Specialist Kenneth A. Melton
81. Lance Corporal Aaron C. Austin
82. Sergeant Sherwood R. Baker
83. Sergeant Lawrence A. Roukey
84. Staff Sergeant Abraham D. Penamedina

Mr. Speaker, I would like to thank the distinguished Members from both sides of the aisle who have participated tonight. I would also like to thank the veterans and their families who have contacted my office to express their support for this effort, and other Members' office.

Unfortunately, a single hour is not enough time to recognize each of our fallen citizens. My colleagues and I will continue this tribute on Monday evening for as many tomorrows as it takes to properly thank those who have made the ultimate sacrifice for their Nation.

I would also like to take this opportunity on behalf of my colleagues to thank the brave men and women who continue to serve our Nation in both Iraq, Afghanistan, and overseas. Our thoughts and prayers are with them and their families in these times.

□ 2000

REPUBLICAN AGENDA

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

Ms. FOXX. Mr. Speaker, in this Special Order, we are going to focus on two things. I am first here to speak a tribute to a very good friend of mine and then I will share the rest of the hour with my colleagues.

TRIBUTE TO LOIS BRITT

Ms. FOXX. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the memory of a true leader and my friend, Anne Lois Britt. On June 4, just 3 weeks ago, Lois Britt passed away in her sleep. Not only did her family lose a devoted and caring matriarch but Lois' passing marked a serious loss for my State. Lois' first love was to her family and grandchildren, Ralph and Luke, but she loved and treated the betterment of rural North Carolina like it was her second family. She touched the lives of so many, and words cannot express what she meant to those around her. Throughout her nearly 50-year career, Lois was able to work for, and with, the things she loved—her family, people, education, agriculture, and Duplin County.

Lois was born and reared in Duplin County, North Carolina. Duplin County is in the rural eastern part of North Carolina. However, Lois could see from an early age, if given just a few resources, the citizens of Duplin County could do and achieve wonderful things. She was determined to improve the

lives of everyone she knew, and she knew almost everybody. So after earning her bachelor's degree from East Carolina University and graduating from North Carolina State with a master's degree in adult education, she returned home to begin her life's work.

Once back in Duplin, she started with the extension service, working in 4–H, home economics and community development. For more than 33 years, she helped mold 4–H'ers, families, and coworkers into positive, productive citizens. To put into perspective how much she meant to the 4–H community, I would like to tell you a story I heard from one of her closest friends. It is customary in North Carolina to have one large family Bible that you keep records, newspaper clippings, and any general memorabilia about your family. One common item usually found in Duplin County family Bibles was the children's 4–H certificates. For 33 years, Lois Britt signed every single 4–H certificate awarded. You see, Lois was a part of everyone's family in some way or another. Countless people in Duplin County credit Lois and the skills they gained under her 4–H and extension leadership for the success they have enjoyed in life.

While she was doing what God had put her on earth to do, helping others, Lois' career began to take off. In 1976, she was promoted to county extension director. She held this position for 14 years and was the first woman in North Carolina's history to serve in that capacity.

After leaving the county extension in 1990, she worked until 2000 with Murphy Family Farms as vice president for public relations. Additionally, she was a member of the board of the North Carolina Pork Council and was vice president of the National Pork Producers Council. It was through her work in pork and agriculture that Lois and I first became friends. We worked together in the North Carolina State Senate and here in the House of Representatives on a number of projects to improve and bolster the pork industry in our home State. We did not always see eye to eye on every issue, but I always knew where she stood and I admired her for that.

It was during her time with Murphy Brown Farms and the North Carolina Pork Council that Lois became a national spokesperson for her industry. She gained national notoriety in her field as an effective and creative leader. People looked up to Lois and respected what she had to say. Although she never ran for public office, I suspect Lois could have held any elected position she wanted due to her leadership, compassion, and understanding of complicated issues.

While moving the agribusiness sector of North Carolina forward, Lois became heavily involved with North Carolina State University. She served on the University of North Carolina board of governors and had been appointed to the chancellor's board of visitors for North Carolina State University. In fact, one of the easiest decisions I ever made in the State Senate was to vote for Lois Britt for board of governors.

Along with her distinguished professional career, Lois was awarded and achieved many honors in her successful life. Awards such as the North Carolina Pork Council Hall of Fame, North Carolina 4–H Lifetime Achievement Award, the North Carolina State University Watauga Medal, the 2003 Volunteer Service Award from the National Agricultural Alumni and Development Association, and the 2002 Distinguished Alumnus for Agriculture from the North Carolina State University College of Agriculture and Life Sciences are just a few of the awards and achievements bestowed upon Lois. If I read them all to you, we would be here till next week.

As you can see, Lois Britt meant the world to her family, her community and the State of North Carolina. Lois had a history of helping people solve problems that arise from our need to be good stewards of the land. She built systems that allow our youth, families and communities to plan and execute productive agribusiness enterprises. She was a great mother and a great friend.

I am pleased that her son Ralph, his wife Suzanne, and Lois' sister Gail have traveled to Washington to join me in celebrating the life of their loved one. They traveled to D.C. to be a part of this tribute, along with many other of Lois' closest friends. I was also honored to be a part of her life. Although Lois is no longer with us physically, we can rest easy knowing she is reunited with her husband and is teaching somewhere in heaven. May God bless her soul.

Mr. Speaker, a group of us is here tonight to bring some perspectives to many things that have been said in the past few weeks by leaders and members of the Democratic Party. I want to recognize first, Representative MARSHA BLACKBURN who represents the Seventh District of Tennessee, and then Representative KENNY MARCHANT who represents the 24th District of Texas. I will then speak very briefly and then recognize the gentlewoman from Virginia (Mrs. DRAKE) who is here.

Let me please turn the floor over to the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlewoman from North Carolina and how we welcome her enthusiasm and her dedication to helping move forward with the Republican agenda and with the leadership that has been shown.

Mr. Speaker, before I begin my comments this evening, I would like to just pause for a few moments and commend our colleagues from across the aisle as they have stood tonight to remember and to commemorate those men and women who have given their lives in the fight for freedom. We can never begin to express our thanks and our gratitude to the men and women who fight to preserve freedom. Our country has a long, storied, noble history in the fight for freedom and democracy. I want to commend them for reminding and for remembering that there are those who have given their lives. We need to remember each and every individual.

This Nation has been being attacked by terrorists now for a couple of decades. We need to go back and as we remember these men and women who have lost their lives in Iraq, we need to also remember those that lost their lives with the Khobar Towers, with the Cole, with the first World Trade Center bombing, those in Afghanistan and those that currently serve in Afghanistan as well as all of our men and women who are currently deployed. In Tennessee, in my district, we have men and women who are members of the National Guard who are deployed in both Afghanistan and Iraq. To those families, we say we stand with you so solidly, so totally in this fight for freedom.

We have men and women from Fort Campbell, which primarily sits in the Seventh Congressional District of Tennessee, who are preparing to redeploy with the 101st or the 160th, who are in the process of being redeployed. We thank each and every one of them for their service, for their sacrifice, their families we thank for their service and their sacrifice, these precious children who are at home for the summer without mom or dad to go to the ball field with them or to take them to swimming lessons or to hold them tight at night when they are worried and have fears and concerns. We stand with you in this fight for freedom.

We are talking a good bit about what our agenda has been and being in touch with the desires of the American people. I want to call attention to a couple of things that have been in the press lately. We had seven House Members yesterday who wrote a letter to Minority Leader PELOSI saying that they were shocked by a statement in which she said the war in Afghanistan was over, and I am quoting from the letter. They wrote: ''Messages like yours could demoralize our troops and undermine our efforts to fight terrorism in Afghanistan and around the world.'' That was in their letter, and reminding her that we have known all along this is going to be a long, long war. It is not going to be an easy war. It is going to require some sacrifice on all of our parts, on each and every single individual's part.

And then I pulled another article from today's press. It was talking about Taliban, Rebels Fight Afghan, U.S. Forces. We had 102 insurgents that were killed in 3 days of fighting in Afghanistan. It just goes to show us, those who wish us harm, those who would do evil are still out there and still fighting and fighting against freedom.

But much of this has to do with focus and where we put our focus and where

this 109th Congress chooses to place its focus. We were here earlier this week talking about the agenda, the Republican agenda, and some of the things that we have accomplished. We are in our 69th day, I believe it is, of our session. There are many strides that we have made for the American people. As we have talked about this, and I know the gentlewoman from North Carolina is certainly aware of this, every time we pass a bill here, it does not mean we have added another law or added another statute to the books. Many times what it means is that we are removing or repealing something and that is the way it ought to be, because being committed to freedom, being here to defend the individual freedoms that each and every person holds dear, means that one of the things we are doing is trying to roll back that long reaching arm of government, roll it back and send that power and send that money and send that authority to the State and local levels. That is something that we as a majority feel is very important: individual freedoms, local control, moving forward on an agenda that is a conservative, well-placed agenda, rooting out waste, fraud and abuse, looking for ways to shrink some of these programs.

These are some of the things that we have been able to make progress on over the last few months: bankruptcy reform, which we passed with 302 votes in this body. That meant we had 73 Democrats cross over and vote with us to pass that. The reason they do that, most of America agrees with the majority's agenda, things that are going to strengthen families, things that are going to strengthen small business.

Class action reform. We have all heard the stories of how trial lawyers go out and make 20, $30 million off of different class action cases and then the members of the class end up with a coupon for 50 cents off, a free movie, a free bottle of juice, a free packet of some commodity. Class action reform passed in this body with 279 votes. Fifty of those votes were Democrats.

The REAL ID Act, border security, addressing illegal immigration and the impact illegal immigration has on this great Nation. We passed the REAL ID Act which is the first step in this, working in concert with many of our State legislatures. They were supporting us as we moved forward with the REAL ID Act to be certain that we had valid documents, immigration documents, used for driver's licenses. The REAL ID Act passed with 261 votes. Forty-two of those were Democrat votes.

Permanent repeal of the death tax which we have passed in this body. We look forward to seeing that signed into law, because we are looking to roll back taxes and free up this economy, continue to free it up. We have had 25 months of sustained economic growth and it comes from the tax reductions that have been passed by this majority. One of those is the death tax repeal. An important reason for this is because the death tax is a triple tax. You pay tax when you acquire an asset, you pay tax when you maintain the asset, and certainly when you earn your income that you use to purchase that asset, you are paying tax there, too. So rolling back the death tax. Two hundred seventy-two Members of this body, the U.S. House of Representatives, voted to repeal the death tax. Forty-two of those were Democrats.

Continuity of government. The energy bill. Everyone is concerned about gas prices. Something we can do that is going to help us send the right message is passing an energy bill.

□ 2015

And we did that in this House, sent it across the Rotunda to our friends and colleagues in the Senate. And we passed that energy bill with 249 votes; 41 of those were Democrats. And the gentlewoman knows that all of this goes to show that America responds to our agenda. They are looking forward to our reducing the size of government, getting government off their back, getting it out of their pocketbook, leaving them with more money to spend, lightening up on that regulation so that the free enterprise system can do what it does best: generate jobs. We know we do not create those jobs. Government does not create those jobs. Free enterprise creates those jobs.

So as we look at an agenda that is based on hope, is based on planning for the future, is based on a better life for our children, we welcome that the other party comes along and supports this agenda because we know it energizes America. We have provisions that energize this economy, that get us moving in the direction that we should be moving.

I want to thank the gentlewoman for organizing this hour, looking at the strength that is in the agenda that we are working on this year and looking at the momentum that we have for this agenda. It is going to be a busy summer here in Washington, and it is going to be a very brisk, aggressive fall. And we look forward to continuing to work on these issues of taxation, of regulation, the immigration, addressing illegal immigration, litigation, beginning to continue to address these frivolous lawsuits; and we know that progress is going to be made on behalf of the American people.

I thank the gentlewoman for yielding to me and for inviting me to join her on the floor.

Ms. FOXX. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN).

Now I would like to yield to the gentleman from Texas (Mr. MARCHANT), who has come into this Congress along with me and whom I have come to appreciate so much for his leadership and insights.

Mr. MARCHANT. Mr. Speaker, I thank the gentlewoman from North Carolina (Ms. FOXX) for yielding to me.

It is a rare privilege for me to be on the floor with her tonight, and it was a privilege for me to spend the last hour listening to the names of men and women who have given their lives so that we would have the opportunity to be here tonight and to state our views and debate and pass laws that will affect this country.

But this evening I would like to commend the leadership of the Republican-led 109th Congress, which at its halfway point has been marked by major legislative achievement. The Democrats have responded to our party's ideas and vision with a lack of ideas and a lack of vision. They have continuously criticized the actions of the majority, but remain unwilling to put forward any constructive plan on Social Security, energy, or illegal immigration.

I am proud of the many initiatives already passed by House Republicans this year to strengthen this great Nation. This includes class action reform. This reform addresses the most serious cases of class action abuse by allowing large interstate class action cases to be heard in Federal court. The measure unclogs specified, very specific, overused courts and ends harassment of local businesses through forum shopping and limits the thousands and thousands of frivolous lawsuits that are being filed every day.

Another example is the READ ID Act. The READ ID Act completes the mission and recommendations of the 9/11 Commission. It closes asylum loopholes and implements driver's license reforms, strengthens deportation laws, and defends our borders. This bill is necessary to secure our borders and our homeland.

This majority has also passed the permanent repeal of the death tax. The death tax is the leading cause of dissolution for most of our small businesses in America. This unfair tax hampers economic growth. Permanently killing the death tax creates a tax policy that supplements economic growth and opportunity and gives hope to future generations. Our small farmers, our Realtors, our small businesses in America only want to pass on what they have spent generations earning to their families; yet we have a death tax now that robs them of that ability.

America needs a comprehensive energy policy. This Republican Congress has passed an energy bill that creates ½ million new jobs in a wide range of industries. The initiative provides incentives for renewable energies and leadership in energy conservation. The Energy Policy Act allows for increased domestic oil and gas exploration and development. It aims to decrease America's dependence on foreign oil and therefore make our country safer and more self-reliant.

Republican Members of Congress are also currently hammering out solutions to the looming Social Security crisis, as well as negotiating a highway bill that will improve driver safety, traffic congestion, and create millions of new jobs across America.

Such progress and achievement for the well-being of this country can only be attributed to the leadership and effectiveness of congressional Republicans. I am disappointed that our opposing party continues to hinder progress and relies on its legislative obstructionism.

I am proud of what we have accomplished thus far in the 109th Congress for the American people.

Ms. FOXX. Mr. Speaker, I thank the gentleman for his comments.

I now yield to the gentlewoman from Virginia (Mrs. DRAKE), who also came in with this freshman class and represents the Second District of Virginia.

Mrs. DRAKE. Mr. Speaker, I thank the gentlewoman from North Carolina (Ms. FOXX) for her leadership tonight and for allowing us to participate here with her in this hour.

We have heard from the gentleman from Texas and the gentlewoman from Tennessee that we are right at our halfway point for the very first year of the 109th Congress. I think that the gentlewoman from North Carolina would agree with me that it is a very exciting time to serve in Congress. There are very many major issues that face our Nation, and the exciting thing is that this Congress is committed to dealing with those issues.

We have begun the debate on Social Security. We will begin the debate on Medicaid reform with the commission that is being formed, a bipartisan commission. We will work on the total issue of health care, Medicare reform, illegal immigration. There are just many issues that this Congress must deal with and is committed to dealing with.

We have heard tonight about some of the major pieces of legislation that have already been passed by both bodies and enacted into law, from bankruptcy reform to class action lawsuit reform to the READ ID Act and the Continuity of Government Act.

We have also heard about pieces of legislation that were in the works for a very long time and have now passed over to the Senate and we are awaiting their action. On a national energy plan, our country knows today how critical it is that we have a national energy plan. We can no longer be reliant on foreign oil, which today is 62 percent of the energy of the oil that is used in this country.

Other key things that this Congress has sent to the Senate is the Child Interstate Abortion Act, a critical piece of legislation for our parents and our families; Gang Violence Deterrence and Protection Act, critical for our safety in our communities; the flag protection amendment; U.N. reform; and the reauthorization of the PATRIOT Act. Also, both Houses have acted on our highway bill, and that bill is currently in conference and there will be a compromise at approximately somewhere around $284 billion for highways, transit, and road safety through 2009, creating countless new jobs and addressing many transportation needs.

The American people need to know that Congress is hard at work and dealing with problems that have not yet been addressed. Bankruptcy reform and class action lawsuit alone were at least 6 years before those bills were passed. Last year Congress did not pass a highway bill; and this year, as we have heard, we are very close to finalizing that.

The people of this Nation have expressed that Congress needed to demand and require commonsense reform in regards to our participation and financial support of the U.N. I commend the gentleman from Illinois (Chairman HYDE) and the House Committee on International Relations for their hard work. Now the U.S. can require accountability and tie payments to it.

And we now have figures to show how well the Bush tax cuts are working. Current numbers reflect an additional $100 billion in revenue. It shows that that economic model of allowing people to keep more of their hard-earned money means that they will creates new jobs, they will invest it, and they will grow tax dollars for us.

But to the gentlewoman from North Carolina (Ms. FOXX), who has organized this, Mr. Speaker, as pleased as I am with the progress and accomplishments of this Congress, I stand here today with a very heavy heart and am very distressed beyond belief by the action and decision of the Supreme Court today in regards to private property rights.

The constitutional right of the government to eminent domain to purchase private property for public use is a sensitive, difficult issue even when roads, schools, and other public facilities are the reason for the rare and cautious use of this power. But to force an unwilling private party to sell his property for the ultimate use by another private party, even if the property's intended use is a more productive one, is just plain wrong.

The exact words of the dissenting opinion are: ''Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner so long as it might be upgraded, i.e., given to an owner, who will use it in a way that the legislature deems more beneficial to the public in the process.''

Mr. Speaker, this decision today effectively removes the requirement of public use from the takings clause of the fifth amendment. With this decision all property owners are at risk. My office is currently exploring what legislative remedies are available to ensure that Americans do truly own their property.

I would like to thank the gentlewoman for yielding to me. I look forward to continuing to work with her and adding this additional item to our plate to make sure that the people of our country express the right that our forefathers came here for, to own private property.

Ms. FOXX. Mr. Speaker, I thank the gentlewoman from Virginia (Mrs. DRAKE) for her comments, and I want to tell her that I am as distressed about this ruling as she is. I think that the people of this country are very concerned with activist courts and are very concerned at where the country is going as far as judicial rulings, and I want to join her in doing whatever we possibly can legislatively to stop this kind of action from being taken. She is absolutely right. It is one of our most fundamental rights, the right to private property, and it is one of the things that has made this country so great. So I look forward to her leadership on this issue.

Mr. Speaker, I now yield to the gentleman from Florida (Mr. MARIO DIAZ-BALART), someone I have come to know and admire tremendously, who represents the 25th District of Florida, for his wisdom on the issues we are discussing tonight.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, the gentlewoman is very kind, and I thank her for yielding to me.

I too want to join the many who have expressed their gratitude for what she is doing here tonight. But really more importantly, if I may, I want to thank her for her incredible, passionate leadership particularly on fighting waste, fraud, and abuse that is, unfortunately, still rampant in the Federal budget. She has been such a champion, and it has been a privilege for me to learn from her, see how she does it, and she has been extremely effective. So it is truly just wonderful to see how she works, and it is wonderful that she is giving this Special Order to speak about issues that are important to the United States of America.

□ 2030

I was listening to the honorable gentlewoman from North Carolina, and she was talking about things that have happened in this Chamber. One of the things that is important is to highlight that it is not only legislation that we have passed here, but it is legislation, not for the sake of passing legislation, it is legislation that has had real, concrete, positive results for the American people. Let us look at some of the results; more than just the legislation, but the results of that legislation.

Look at, for example, the growth in the GDP, the gross domestic product. This is after 9/11. This is after the Internet bubble burst. This is after the recession that President Bush inherited when he first got elected. Despite all that, because of legislation that the President led on and that this Congress passed, the GDP, the growth of the economy, has been spectacular. Mr. Speaker, we have had 14 consecutive quarters of real growth in the economy, a 3.5 rate in the first quarter of this year, a 3.5 percent increase in the GDP. Again, 14 consecutive quarters of real growth, despite what this Congress and our President found itself dealing with after 9/11.

Look at payroll employment. It rose by 2.2 million jobs during 2004; 2.2 million jobs that would be unemployed if it was not for the policies of this Congress, of this majority, and of the President of the United States. Mr. Speaker, 3.5 million jobs over the past 24 months. Ask those hard-working Americans who now have jobs if the policies that this Congress has pursued and passed have not worked for them. They have worked for them, and we are grateful for the President's leadership. I think we have to always remind ourselves that with a little bit of help, with a few Democrats, but with the leadership of the Speaker of the House and the Majority party, great things have happened for our country, for our working men and women in our great country.

Look at, again, the fact that unemployment today, right now, is lower than it was, than the average of the 1970s, the decade of the 1980s and, yes, even lower than the decade of the 1990s. Hard to believe that that is possible, after 9/11, after the scandals on Wall Street, after the bubble-burst of the Internet. Again, that is because of the leadership of our President and because of the leadership of this House.

The homeownership rate is at record levels. More people own homes than ever in the history of our country and, by the way, if we look at minority homeownership also, that is at record levels.

Now, we have more to do. We have more to do, still, and we are working hard to do even more. All of us are concerned about the deficit. We have to reduce the size of the deficit. We know that the President has said, and he has pledged to cut the deficit in half over the next five years. The budget that this House passed does just that in a responsible fashion. It gets a handle on the deficit. It is going to reduce the deficit in half. We do that by controlling spending.

Hey, folks, this is not rocket science. If you are spending too much money, that is why you have a deficit, hey, what do you do? Spend less. Not rocket science. Well, that is what we are doing.

But let me tell my colleagues what our friends in the Democratic Party have proposed as their solution to control the deficit. We hear them here on the Floor of the House continuously, and even in the Senate, talking about, oh, the deficit is too high. But then, what do they propose? They propose billions and billions and billions of dollars in additional spending, which would go directly to increase the size of the deficit. They have done so publicly. They have done so with an amendment in the Committee on the Budget on which I have the honor of serving and also here on the Floor of the House. They cannot have it both ways. They cannot be concerned about the deficit and then propose billions and billions of dollars of additional spending in the Federal budget, spending of Federal dollars.

The President, by the way, has done a great job in looking for programs that are not working. I do not think again it takes a rocket scientist to understand that there are Federal programs that frankly are just not doing that well, that are just wasting the taxpayers' money. Once again, I have to repeat what I said in the beginning. I want to thank the gentlewoman from North Carolina (Ms. FOXX) for her efforts, particularly in trying to fight waste in the Federal Government.

The President has also done a great job. He has created this assessment tool called PART. What he has done is he has gone through every single area of the Federal budget, the Federal Government looking for things that can be reduced or eliminated because they are not needed, not doing a good job, because there are other programs that are better and less expensive. He has proposed eliminating a number of programs and to shift that money to programs that do work.

We also have to be very proud of the job that the chairman of the Committee on Appropriations is doing, the honorable gentleman from California (Mr. LEWIS). He has actually cut an incredible amount of those duplicative, those programs that do not work, that are proven money-wasters, and has shifted those funds to programs that do work. I think, again, we are doing some good things. We do get every once in a while, a few, a couple, one or two, sometimes three or four, and sometimes many more, Democrats who come on board and help us with these efforts. But, unfortunately, most of the heavy lifting to cut waste, to reduce the deficit, to cut taxes, to incentivize the economy has been done with no help from the opposition party. But, fortunately, we have been able to pass those issues, and that is why the economy is doing as well as it is doing, and that is why millions of Americans that otherwise would have been unemployed now have jobs.

Finally, Mr. Speaker, I just want to end with a separate thought. It is always difficult, and I think an honor and a privilege, to listen to the names of our fallen heroes, and we had that tonight, we heard it a little while ago, and I think it is always something that we have to again thank them, thank their families, and thank God that there are heroes like them that are willing to put even their lives on the line to protect our freedoms. I have to say that I was very pleased to see Members of this House come on to this floor to mention the names of our heroes with respect.

That, unfortunately, contrasts so dramatically, sadly, with the statements by a member of the other party of the U.S. Senate. He recently had to apologize because he compared our troops, our men and women in uniform, compared them to the Nazis, to the Soviets and their gulags, to that mad assassin, crazy regime of Pol Pot in Cambodia, those regimes that killed people as a policy, assassinated people. And for anybody, anybody to even mention our troops, our men and women in uniform in that same breath as the Soviet gulags, Pol Pot, or the Nazis is, frankly, totally unacceptable. I guess he was comparing the hard work of our brave men and women in uniform to Nazis. Is he equating the treatment of innocent victims in the concentration camps or in the gulags to the humane treatment that terrorists are getting in Guantanamo at the hands of our troops? Again, it is totally unacceptable.

We accept his apology, after he was forced to apologize, even though he first did not want to. We are talking about the second highest ranking Democrat in the U.S. Senate who said those things. So we will accept his apology. I think, though, that we should also demand his resignation from that position of leadership, a position of leadership, the second highest ranking leader, democratic leader in the Senate, who compared our troops to the Nazis, to the Soviet gulags, and to Pol Pot.

So that is why, Mr. Speaker, I have to tell my colleagues that I was very pleased with coming here tonight and listening in contrast to the names of our fallen heroes. That is the way we should refer to our troops as heroes, as men and women who guarantee the peace not only of the United States of America, but of the entire world. They are heroes that will never be forgotten. And I, for one, have to tell my colleagues, as I will also never forget those who insult our heroes, who compare them to Nazis; I will never forget that either.

Mr. Speaker, I thank the gentlewoman from North Carolina (Ms. FOXX) for her great leadership, for her impassioned leadership and again, in particular, I thank her for really teaching us a lesson as to what it means to be passionate, fighting for the taxpayer against fraud, waste, and abuse in the Federal budget.

Ms. FOXX. Mr. Speaker, I appreciate so much the gentleman from Florida. He also has great passion for the issues that he is concerned about, and I am so proud to be serving with him in the 109th Congress.

I agree with him that it is appropriate for us to honor our heroes, and what happened tonight is a great contrast to much that has been said recently.

Mr. Speaker, I took to the Floor earlier this session to reject Democrat charges that the Republican Party is out of the mainstream. At the time I thought the rhetoric from the other side of the aisle could not be more partisan, more vitriolic, or more damaging to America's credibility abroad. I also thought that they would take their rhetoric only so far. I never thought that they would take their rhetoric so far as to put our troops in greater danger than they are already in. But, Mr. Speaker, I am sorry to say I was wrong. From the chair of the Democrat National Committee to their

party leaders in Congress, something has gone terribly awry. Where are the statesmen who put country ahead of party? What happened to the party of Franklin Roosevelt and Harry Truman, the party of Daniel Patrick Moynihan and John F. Kennedy?

Last week I was able to take my grandchildren to Arlington National Cemetery, and I can tell my colleagues that I could not read the words at the Eternal Flame spoken by President Kennedy without getting very, very emotional. I think that President Kennedy's words are so important for us to talk about tonight in light of our having talked about our soldiers who have given their lives. President Kennedy said, ''Ask not what your country can do for you; ask what you can do for your country.'' That is what the brave men and women who are now serving in our military have done. They have asked what can they do for their country. Some of them are giving the ultimate sacrifice.

But, unfortunately, the party of President Kennedy and the party of these other great patriots seems to be gone. It has been replaced by the party of moveon.org and George Soros. A once proud party with a strong pedigree of ideals and values has devolved into a festering wound whose only attributes are hate and obstruction. What is worse, Mr. Speaker, is some Democrats are proud of their transformation and proclaim it loudly. At a DNC gathering in New York, the chairman of the party said, ''I hate Republicans and everything they stand for.''

Well, Mr. Speaker, I do not hate Howard Dean and I have never heard another single Republican say that they hate him, but we do feel sorry for him. I feel sorry for those whom he has let down, the millions of Democrats across the country whose party he leads. Mr. Speaker, unlike Dr. Dean, I do not lump all members of the opposition party together. I know there are good Democrats who possess bright ideas and patriotic souls. Some of them might even live and work in this town. And I feel for them. Their leader believes that the louder he screams, the better people will somehow be able to hear him. But I tell my colleagues this: soon, people will stop listening.

Mr. Speaker, our two-party system works best when both sides bring ideas to the table and hash them out. Yes, the Majority party tends to win most, if not all the time, but that is what the voters intended. I understand this better than most, because I spent 10 years in the North Carolina General Assembly in the minority party.

What is most important is that the marketplace of ideas is routinely stocked with the freshest and most visionary policies each side has to offer. I am happy to say Republicans are doing their job, but I am sorry I cannot say the same about the Democrats' leadership.

Instead of policy proposals, we get blank stares. Instead of negotiation, we get obstruction. Instead of dialogue, we get rhetoric.

□ 2045

And I truly wish this were not the case, because now is a time of great responsibility. Now more than ever we need a Congress that is serious about preparing this Nation for the challenges of the century ahead.

And, Mr. Speaker, while Republicans are happy to continue passing our solution-oriented agenda, I truly wish we had a partner in the Democratic Party. How much more vibrant would our political discourse be if we could speak civilly with each other? How much more fruitful would this Congress be?

Nowhere is this clearer than the issue of Social Security. We all know that reforming America's most honored program is more than a hot topic around here; it is the premier domestic issue of our day. And so you would think that all honest attempts at reform would be met at the very least with openmindedness and a desire to discuss, but not so.

When a member of the Democratic caucus offered his plan to reform Social Security, his own leadership chastised him for even bringing an idea and signaling a willingness to talk with Republicans.

Mr. Speaker, it is one thing for Democrats to criticize Republican policies. It is another for them to reprimand one of their own for simply introducing an idea. While I certainly do not agree with the policies proposed in the gentleman's legislation, I applaud him for bucking his party's reticence. He put the needs of the American people before politics. For that he should be commended; and for their condemnation of action, the Democrats should be ashamed.

For what is the purpose of this body but to debate solutions to problems and then choose the very best among them? And that, Mr. Speaker, is just what House Republicans have been doing. My colleagues have given you a long list of accomplishments in this session of Congress. We have proposed an agenda with solutions that are reaping results.

I am happy to say that on many of the most important issues of the day, a large number of rank-and-file Democrats have joined us, despite the reluctance of their leadership.

In 5 short months, the House has passed landmark legislation addressing everything from our roads and highways to the war on terror. Mr. Speaker, we have heard on numerous occasions from the minority leadership that bills are being railroaded through, that substitutes are not being allowed, that rules are closed too often.

You have heard already how most of our bills have had Democratic votes. And nothing could be further from the truth that our rules are closed. And I might also add that Democrats are being treated a great deal better than they treated Republicans when we were in the minority.

When Democrats controlled the House, Republicans were often denied the right to offer motions to recommit. For those unfamiliar with that term, it is the last chance for the minority to attach an amendment to a bill under consideration by the full House.

When Republicans took control of the House, we changed the rules so that the minority always has the opportunity to offer the motion to recommit.

We have enacted rules governing debate on legislation that have allowed for numerous Democratic amendments and substitutes. We responded to demands for greater access to legislative information and have granted nearly every request of the minority. Yet the Democratic leadership continues to use abuse of power as a campaign issue.

I ask the American people to examine the facts, and I also ask the American people to contrast the Republican record of achievement with the Democratic record of obstruction, obtuseness, and obliviousness.

I mentioned earlier that when I last took to the floor to discuss these matters, I thought the Democratic leadership could not be further out to sea when it comes to the most important issues facing the Nation.

Well, it now seems they are somewhere between the Bermuda Triangle and the Lost City of Atlantis. You know, Mr. Speaker, I just do not think the leaders of the Democratic Party here in Washington get it. It has been 4 years since our homeland was attacked, and they still cannot distinguish friend from foe, and patriot from terrorist.

From the comments made by members of the Democratic leadership in both bodies, it is clear that they are not connected with the realities of the war on terror. One said, and I quote, ''the war is unwinnable.'' Another compared our men and women in uniform to Soviets and their gulags, unquote. And yet another, perhaps most egregiously compared Operation Iraqi Freedom which brought an end to Saddam's ethnic cleansing to the Holocaust. He said, the war, and I quote, is the biggest fraud ever committed on the people of this country. This is just as bad as the 6 million Jews being killed, unquote.

Mr. Speaker, I struggle for the words to respond to such comments. The Washington Democratic establishment is simply adrift at a time when our Nation is at war and preparing for the next great American century. It is sad that they are not a part of that preparation. And it is deplorable that in some cases they are actively campaigning against it. I hope that soon things will change. And I hope it happens before the Democratic Party is lost once and for all.

Mr. Speaker, I appreciate all of the comments that were made by my colleagues tonight outlining the very major successes that have occurred in the 109th Congress already. Along with

my colleagues, I came to Washington to get things done. I long for a time when the Democratic leadership will come to the table and work with Republicans to make policy that has the best interests of the American people at heart.

DEMOCRATS ARE IN TOUCH WITH THE PEOPLE

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I was not expecting to come down here tonight. I did because I was very upset by some of the comments that were made by my Republican colleagues.

Many of them said that they were not here tonight to attack the Democrats and the Democratic Party. In reality, that is exactly what they did. And the negative comments that they were making about Democrats and what we stand for were, frankly, very offensive to me, because I have been here as a Member of Congress for 17 years. And I have never seen the Republican Party sink to the depths in terms of their attacks on Democrats and their unwillingness to cooperate with the Democrats and their abuse of power in this institution.

One of the things that disturbs me the most is that I have always thought that Republicans were very concerned as a party about spending money and about deficits. I remember when I was first elected to the House of Representatives back in 1988. There were a group of Republicans who used to come down on the floor of the House of Representatives every night during Special Orders, about this time, and would hold up a digital clock and talk about the huge deficits that the Federal Government was pursuing and how it continued to go up and how it was necessary for the Republicans to take the majority back because they would be the only ones that would try to do something about the deficit.

Well, you do not hear that anymore from the Republicans, the party that historically, at least in the early days when I was here, seemed to be so much concerned about deficits, has essentially ignored the issue.

I hear my Republican colleague saying that it does not matter what the deficit is, it does not matter how much it grows, you know, that it is just some sort of accounting measure and we can spend all we want and we can go into debt and borrow all we want, and it does not make any difference.

In fact, what you find now is Democrats coming down on the floor and holding up the same charts and talking about the deficit being at an all-time high and the negative impact it is having on this government.

So I say to my Republican colleagues, what happened to the Republican Party that cared about the deficit and was concerned about rampant spending? Because they have become the majority now, they can spend whatever they want and not worry about the impact on the Federal Government over the long term?

In fact what we see is the Republican Party abandoning its ideals, abandoning it principles for the sake, essentially, of just being in the majority and in control.

We have witnessed, as Democrats, efforts on the part of the Republicans to simply exclude us from almost every aspect of this institution. The gentlewoman from North Carolina (Ms. FOXX) who spoke before me suggests that she wanted to get together and work together with the Democrats.

How is that possible when Democrats are not allowed to have a hearing in committee, when the committee moves forward without allowing Democrats to have amendments, when bills come to the floor without the opportunity for Democrats to even speak because the amount of time that is allowed on the bill for speaking is very limited or practically eliminated?

The fact of the matter is that the Republican majority has no interest in reaching out to Democrats and hearing their views. All they want to do is force legislation down the throats of the Democratic minority and act as if in some way they are reaching out, when in fact they are not.

I heard some of my colleagues on the other side of the aisle in the last Special Order go on and on about how the economy is so wonderful, everything is so rosy, more jobs are being created. I do not know what fairy land they live in. When I go back to New Jersey, all I hear about from my constituents is how factories have closed and moved overseas; how jobs have been outsourced to other countries in Europe and Asia; how people are unemployed, and if they have a job, it does not pay as much as it used to; about how pensions and health care benefits have been reduced.

And for the Republican to stand up here tonight and talk about their accomplishments and how great the economy is, they are simply blind to the realities. At one time, Republicans used to look out for the little guy. They used to be concerned about what the average American was doing, whether or not they had a job, whether or not they, you know, were making an income in small-town, in rural America. They have forgotten about the little guy.

All their emphasis as a Republican majority is not on the average American, but on the well-to-do American, on the millionaire, on the corporate interest. What happened to the Republican Party of Abraham Lincoln, of Theodore Roosevelt, of Ronald Reagan for that matter?

We did not see anything that comes to this floor that looks out for the interest of the average person. What we see are tax cuts that go primarily to millionaires and corporate interests. We see special legislation come up that gives a tax break to someone who happens to be, you know, the CEO of a major firm. Whether it is pension policies or it is health care policies, everything is oriented toward the corporate interest or the interests of the wealthy individuals.

You know, when you talk about deficits, deficits of the kind that we see now are basically crippling the American economy. And I used to think that the Republican Party, like the Democratic Party, cared about America first. But that is not the case any more.

Sending jobs overseas is not a problem. Outsourcing jobs, setting up free trade agreements that basically allow other countries to take our jobs, take our resources, this is the face now of the Republican Party. And the saddest thing of all, in my opinion, and this is what I think many of my colleagues, why so many of my colleagues on the Democratic side were here tonight talking about the war and putting up the faces of those who had died in the war, is that Republicans, from what I remember, used to be very wary of getting America involved in overseas conflicts.

Throughout the 20th century, the Republican Party, in many cases, was what we call isolationist, meaning that they felt very strongly that we should not get involved overseas, we should not get involved in wars overseas if they were not in our national interest.

Many Republican Senators and Members of the House of Representatives would come to the floor throughout the 20th century, those in leadership roles, and question whether America should be involved in wars overseas. But we do not see the face of that Republican Party anymore.

□ 2100

We just get involved in wars wherever it happens to be. We do not worry about the rationale for the war. We do not worry about the fact that so many people died or are wounded or the amount of resources we spent on the war.

My colleagues tonight talked about war in Afghanistan and Iraq as if it was going to go on for a long time and last beyond, who knows, 5, 10, 15, 20 years. What is the cost of that? What is the cost in terms of Americans lives and cost in terms of the resources that we have to spend in Iraq and in other places that could be spent on domestic priorities here, educational needs, health care needs, housing needs here at home as opposed to the billions and billions of dollars that are being spent in Iraq?

Do not tell me that we should not think about how we are going to end the Iraq war and how we can end it soon, because every American life that is lost and every dollar that is spent over there could possibly, that dollar

could be spent here and that life could be saved. And I would like to know what happened to the Republican Party that used to question our involvement overseas, that used to worry about how much we spent, that used to worry about how many lives would be lost, that suggested that we should only be involved in overseas wars if our national interest was at stake? I do not hear about that Republican Party anymore.

War is supposed to be a last resort. Many Republicans used to say that. They do not say that anymore.

So I will say to my colleagues on the other side of the aisle, it is not the Democratic Party that has changed. The Democratic Party is still looking out for the little guy. The Democratic Party is still concerned about our economy and our jobs and putting America first. It is the Republican Party that, in fact, has lost sight of that with the Republican leadership that we see here running the House of Representatives.

And I could go on and on. I do not really seek to, because I am not interested in being negative. I would rather be positive. I would like to see the day when we get together and work on issues together. But the only way that that can happen is if the Republican majority and its leadership allows the Democrats to participate, allows the Democrats to provide ideas, allows Democrats to speak, allows Democrats to propose amendments. That is not what we are seeing.

It was very interesting tonight because when we had the first Special Order and we began to read the names of those soldiers who had died in Iraq, there were both Democrats and Republicans on the floor. It was my colleague, the gentleman from North Carolina (Mr. JONES) who voted for the war but says now that it is time to get out. And I think what is beginning to happen here is that there are some Republicans who are beginning to realize the Democrats are right; that it is time for us to get out of Iraq; that we have to have an exit strategy; that there is too much abuse of power on the part of the Republican majority; that in fact too much of Republican policy is aimed towards helping the millionaire and the big-shot rather than the little guy; that there is too much emphasis on the Republican side in terms of Republican policy about worrying about free trade and whether or not we can get something cheaper done overseas instead of trying to protect a job for Americans here at home.

And there are some Republicans who have expressed interest and concern about the deficit and the crippling impact it has on the economy and, in fact, that the economy is not that good. So there is hope here.

I would like to end on a positive note because I do believe that there are members of the Republican Party, my colleagues on the other side, that now realize that on many of these policy issues Democrats are right. And, hopefully, we can forge a bipartisan leadership that will address some of these issues in a positive way. But it is only going to begin when my colleagues on the other side realize that they have to give an opportunity for Democrats to speak, that they cannot abuse the power of their majority. And we are not there yet, but hopefully we can be in the next few weeks or the next few months before this session of Congress is over.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Ms. PELOSI) for today.

Ms. HARMAN (at the request of Ms. PELOSI) for today after 2:00 p.m. and the balance of the week.

Mr. UDALL of New Mexico (at the request of Ms. PELOSI) for today after 2:45 p.m. and the balance of the week on account of business in the district.

Mr. REYES (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Mr. BASS (at the request of Mr. DELAY) for today after noon on account of attending his daughter Lucy's graduation from the eighth grade.

Mr. TOM DAVIS of Virginia (at the request of Mr. DELAY) for today and the balance of the week on account of personal reasons.

Mrs. WILSON of New Mexico (at the request of Mr. DELAY) for today after 3:00 p.m. and the balance of the week on account of attending a hearing at Cannon Air Force Base in Clovis, New Mexico, with members of the Base Realignment and Closure Commission.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. CHANDLER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, June 30.

Mr. GINGREY, for 5 minutes, today.

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. KELLER, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Friday, June 24, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

2444. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2005-06 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AT70) received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2445. A letter from the Secretary, Department of Commerce, transmitting the biennial report regarding the activities of the National Oceanic and Atmospheric Administration's Chesapeake Bay Office Activities, pursuant to Section 307(b)(7) of the NOAA Authorization Act of 1992; to the Committee on Resources.

2446. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317-4364-02; I.D. 030305D] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2447. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for North Carolina [Docket No. 031119283-4001-05; I.D. 122204F] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2448. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisehries of the Exclusive Economic Zone Off Alaska; Alaska Plaice in the Bering Sea and Aleutian Islands Managements Area [DOcket No. 041126332-5039-02; I.D. 050605D] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2449. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 40B [Docket No. 050314072-5126-02; I.D. 030705D] (RIN: 0648-AS33) received June 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2450. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Galveston Channel, Gulf Intracoastal Waterway, Galveston, Texas [CGD08-05-035] received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2451. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 1012.6, North Palm Beach, Palm Beach County, FL. [CGD07-05-044] (RIN: 1625-AA09) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2452. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; White River, Augusta, Arkansas [CGD08-05-030] (RIN: 1625-AA09) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2453. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Port Allen Canal, Morley, Louisiana [CGD08-05-036] received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2454. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Presque Isle Bay, Dobbins Landing, Erie, PA [CGD09-05-016] (RIN: 1625-AA00) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2455. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rochester Harbor Fireworks, Rochester, NY [CGD09-05-017] (RIN: 1625-AA00) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 362. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; with an amendment (Rept. 109–149). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1797. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; (Rept. 109–150). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 2364. A bill to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs; with an amendment (Rept. 109–151). 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. TIBERI (for himself and Mr. SCOTT of Georgia):

H.R. 3043. A bill to authorize the Secretary of Housing and Urban Development to carry out a pilot program to insure zero-downpayment mortgages for one-unit residences; to the Committee on Financial Services.

By Ms. LORETTA SANCHEZ of California:

H.R. 3044. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to provide standards for the use of military commissions for the trial of offenses under the law of war or in furtherance of international terrorism; to the Committee on Armed Services.

By Mr. DELAY (for himself and Mr. JEFFERSON):

H.R. 3045. A bill to implement the Dominican Republic-Central America-United States Free Trade Agreement; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, Mr. OWENS, and Mr. MCGOVERN):

H.R. 3046. A bill to amend the Public Health Service Act to deem certain training in geriatric medicine or geriatric psychiatry to be obligated service for purposes of the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself and Mr. PLATTS):

H.R. 3047. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of paramedic intercept services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 3048. A bill to require the Secretary of the Treasury to retain indefinitely records (including images) of redeemed savings bonds; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin:

H.R. 3049. A bill to amend section 42 of title 18, United States Code, popularly known as the Lacey Act, to add certain species of carp to the list of injurious species that are prohibited from being imported or shipped; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. TOWNS, Mrs. BONO, Mr. KOLBE, Mr. SIMMONS, and Mr. SHAYS):

H.R. 3050. A bill to amend title XXI of the Social Security Act to provide grants to promote innovative outreach and enrollment under the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KOLBE:

H.R. 3051. A bill to provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona, for the purpose of consolidating Federal land ownership within the Las Cienegas National Conservation Area, and for other purposes; to the Committee on Resources.

By Mr. LOBIONDO (for himself, Mr. SAXTON, Mr. SMITH of New Jersey, and Mr. ANDREWS):

H.R. 3052. A bill to direct the Secretary of Veterans Affairs to expand the capability of the Department of Veterans Affairs to provide for the medical care needs of veterans in southern New Jersey; to the Committee on Veterans' Affairs.

By Mr. MCKEON:

H.R. 3053. A bill to remediate groundwater contamination caused by perchlorates in the city of Santa Clarita, California; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 3054. A bill to amend the Federal Credit Reform Act of 1990 to require appropriations to cover the estimated subsidy costs of monetary resources provided by the United States Government to the International Monetary Fund, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. GUTIERREZ, Mr. HINCHEY, Mr. JEFFERSON, Mr. KILDEE, Mr. KUCINICH, Ms. LEE, Mrs. MCCARTHY, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Mr. RANGEL, Mr. RUSH, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. VAN HOLLEN, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 3055. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2006; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. SESSIONS, Mr. FOLEY, Mr. MURPHY, Mr. SAXTON, Mr. BISHOP of New York, Mr. BURTON of Indiana, Ms. WATSON, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. SHIMKUS, Mr. TAYLOR of Mississippi, Mr. SIMMONS, Mr. OBERSTAR, Mr. SCHWARZ of Michigan, Mr. SHAW, Mr. KING of New York, Ms. GINNY BROWN-WAITE of Florida, Ms. WASSERMAN SCHULTZ, Mr. ISRAEL, Mr. JONES of North Carolina, Mr. HERGER, Ms. HARRIS, Mr. HAYES, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. MCCAUL of Texas, Mr. WAMP, Mr. HAYWORTH, Mr. TURNER, Mr. RADANOVICH, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Mr. SNYDER, Mr. YOUNG of Alaska, Mr. AKIN, Mr. GREEN of Wisconsin, Mr. TIAHRT, Ms. BORDALLO, Mr. BUYER, Mr. FOSSELLA, Mr. SULLIVAN, Mr. CRENSHAW, Mr. RAHALL, Mr. ORTIZ, and Mr. DAVIS of Tennessee):

H. Con. Res. 188. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; to the Committee on Armed Services.

By Mr. BLUMENAUER (for himself, Mr. INSLEE, Mr. DEFAZIO, Mr. WALDEN of Oregon, Mr. WU, Ms. HOOLEY, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. DICKS, Mr. MCDERMOTT, Miss MCMORRIS, Mr. HASTINGS of Washington, Mr. REICHERT, and Mr. BAIRD):

H. Con. Res. 189. Concurrent resolution honoring the Native American tribes of the

Pacific Northwest and the Treaties of 1855 between these tribes and the United States of America; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. CARDIN, Mr. PITTS, and Mr. MCINTYRE):

H. Con. Res. 190. Concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards; to the Committee on International Relations.

By Ms. DELAURO (for herself, Mr. BROWN of Ohio, Mr. NADLER, Mr. HONDA, Ms. MCCOLLUM of Minnesota, and Mr. SHERWOOD):

H. Res. 338. A resolution recognizing the importance of sports in fostering the leadership ability and success of women; to the Committee on Government Reform.

ADDITIONAL SPONSORS

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

H.R. 13: Mr. GINGREY.
H.R. 65: Ms. HARRIS.
H.R. 98: Mr. WILSON of South Carolina.
H.R. 278: Ms. HARRIS.
H.R. 282: Mr. SHUSTER, Mr. SODREL, and Mrs. CAPITO.
H.R. 297: Mr. GUTIERREZ.
H.R. 302: Ms. LEE and Ms. WOOLSEY.
H.R. 457: Mr. SMITH of New Jersey, Mrs. CHRISTENSEN, and Mr. WOLF.
H.R. 509: Mr. DAVIS of Illinois.
H.R. 510: Mr. JEFFERSON.
H.R. 588: Mr. BEAUPREZ and Mr. OWENS.
H.R. 772: Mr. EMANUEL, Mrs. JONES of Ohio, Mr. MELANCON, Mrs. CAPITO, and Mr. CROWLEY.
H.R. 817: Mr. OXLEY, Ms. DELAURO, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Mr. ROGERS of Michigan, Mr. TOWNS, Mr. PALLONE, Ms. WASSERMAN SCHULTZ, Mr. RUSH, Mr. FITZPATRICK of Pennsylvania, Mr. SHERMAN, Mr. WYNN, Mr. SNYDER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of Colorado, Mrs. NAPOLITANO, Ms. MATSUI, Ms. KAPTUR, Mr. EMANUEL, Mr. HINCHEY, and Ms. LORETTA SANCHEZ of California.
H.R. 822: Ms. CARSON and Mr. GUTIERREZ.
H.R. 831: Mr. BISHOP of Georgia.
H.R. 887: Mr. EDWARDS.
H.R. 899: Mr. SOUDER.
H.R. 916: Mrs. JONES of Ohio, Mr. HULSHOF, Ms. HERSETH, Mr. DELAHUNT, Mr. SHERMAN, and Mr. DAVIS of Illinois.
H.R. 920: Mr. NEUGEBAUER.
H.R. 923: Mr. DAVIS of Illinois.
H.R. 930: Mrs. BONO.
H.R. 976: Ms. HARRIS, Ms. JACKSON-LEE of Texas, Mr. BOUSTANY, and Mr. LAHOOD.
H.R. 994: Mr. INGLIS of South Carolina, Mr. SNYDER, Ms. DEGETTE, Ms. WASSERMAN SCHULTZ, Mr. CLAY, Mr. KENNEDY of Rhode Island, Mrs. BONO, Mr. FRELINGHUYSEN, Mr. BARROW, and Mr. BARRETT of South Carolina.
H.R. 1055: Mr. WAMP.
H.R. 1056: Mr. WAMP.
H.R. 1124: Mr. PASTOR.
H.R. 1132: Mr. SOUDER.
H.R. 1167: Mr. CONAWAY.
H.R. 1186: Mrs. DRAKE and Mr. WILSON of South Carolina.
H.R. 1201: Mr. MURTHA.
H.R. 1214: Mr. INSLEE.
H.R. 1216: Mr. PLATTS.
H.R. 1220: Ms. CORRINE BROWN of Florida, Mr. SNYDER, and Mr. KOLBE.
H.R. 1227: Mr. BRADLEY of New Hampshire.
H.R. 1232: Mr. UDALL of Colorado.
H.R. 1246: Mr. LANTOS.
H.R. 1259: Mr. LIPINSKI, Mr. TERRY, Mr. EVANS, Mr. DAVIS of Alabama, and Mr. BACA.
H.R. 1282: Mr. DAVIS of Alabama and Ms. HERSETH.
H.R. 1288: Mr. BOSWELL, Mr. CARDOZA, Mr. COOPER, Mr. COSTELLO, Mr. MOLLOHAN, Mr. RAHALL, Mr. BOEHNER, Mr. CHOCOLA, Mr. CAMP, and Mr. NEY.
H.R. 1298: Mr. WOLF.
H.R. 1306: Mr. GREEN of Wisconsin, Mr. HENSARLING, Mr. RADANOVICH, Mrs. EMERSON, Mr. FILNER, Mr. TANCREDO, Mr. BRADY of Texas, Mr. CANTOR, Mr. PORTER, Mr. JONES of North Carolina, Mr. BONNER, Mr. HOEKSTRA, Mr. REHBERG, Mr. MCCOTTER, Mrs. MUSGRAVE, Mr. SENSENBRENNER, Ms. GRANGER, Mr. DOOLITTLE, Mr. PAYNE, Ms. GINNY BROWN-WAITE of Florida, Mr. KENNEDY of Minnesota, and Mr. JENKINS.
H.R. 1308: Mr. GILLMOR.
H.R. 1312: Ms. DEGETTE and Mr. GUTIERREZ.
H.R. 1378: Mr. WAMP.
H.R. 1380: Mr. ROTHMAN, Mr. CUMMINGS, and Mr. GILLMOR.
H.R. 1395: Mr. WAMP.
H.R. 1415: Mr. CUMMINGS.
H.R. 1426: Mr. HAYWORTH and Mr. EVANS.
H.R. 1443: Mr. UDALL of Colorado, Mr. PAYNE, and Mr. NADLER.
H.R. 1446: Mr. WAMP.
H.R. 1498: Mr. ALEXANDER and Mr. GENE GREEN of Texas.
H.R. 1517: Mr. HASTINGS of Washington.
H.R. 1591: Mr. HOEKSTRA, Ms. WOOLSEY, and Mr. CARDIN.
H.R. 1602: Mr. MCKEON.
H.R. 1632: Mr. BOOZMAN, Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, and Mrs. CHRISTENSEN.
H.R. 1652: Ms. VELÁZQUEZ.
H.R. 1668: Mr. JEFFERSON, Mr. MCNULTY, and Ms. MATSUI.
H.R. 1671: Mr. BARROW.
H.R. 1704: Mrs. NORTHUP.
H.R. 1709: Mr. FARR, Ms. CORRINE BROWN of Florida, Mr. UDALL of New Mexico, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, Mr. RANGEL, Mr. SCOTT of Virginia, Mrs. CHRISTENSEN, and Mrs. MALONEY.
H.R. 1722: Mr. GERLACH.
H.R. 1898: Mr. CHOCOLA.
H.R. 1973: Mr. MCGOVERN.
H.R. 2014: Mr. SALAZAR, Mr. FILNER, and Mrs. CHRISTENSEN.
H.R. 2133: Mr. BERMAN.
H.R. 2134: Mr. KILDEE.
H.R. 2209: Mr. BARROW and Mr. PRICE of North Carolina.
H.R. 2218: Mr. ROTHMAN.
H.R. 2229: Mrs. CAPITO.
H.R. 2259: Mr. SHERMAN.
H.R. 2291: Mrs. CHRISTENSEN.
H.R. 2327: Mr. MCGOVERN.
H.R. 2328: Mr. BISHOP of Georgia.
H.R. 2357: Mr. BISHOP of Georgia.
H.R. 2423: Mr. DEAL of Georgia and Mr. CONAWAY.
H.R. 2512: Mr. OWENS.
H.R. 2533: Mr. STRICKLAND.
H.R. 2567: Ms. HARMAN, Mr. MCGOVERN, and Mr. CALVERT.
H.R. 2642: Mr. OWENS and Mr. HOLDEN.
H.R. 2648: Mrs. MALONEY.
H.R. 2717: Mr. PRICE of North Carolina.
H.R. 2730: Mr. ANDREWS, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. HOLT, and Ms. ROS-LEHTINEN.
H.R. 2739: Ms. LEE.
H.R. 2793: Mr. BOSWELL.
H.R. 2794: Ms. KAPTUR, Mr. CASE, Miss MCMORRIS, Mr. CHANDLER, Mr. BISHOP of Utah, Mr. ABERCROMBIE, and Mrs. WILSON of New Mexico.
H.R. 2803: Mr. RANGEL and Mr. WICKER.
H.R. 2804: Mr. BARRETT of South Carolina.
H.R. 2811: Mr. MEEKS of New York.
H.R. 2834: Mr. GRIJALVA.
H.R. 2861: Mr. WAXMAN.
H.R. 2874: Mr. EDWARDS.
H.R. 2877: Mr. KUCINICH.
H.R. 2891: Mr. WYNN, Mr. GRIJALVA, and Mr. WATT.
H.R. 2923: Mr. FORTUÑO.
H.R. 2945: Mr. MEEKS of New York, Mr. MCDERMOTT, and Mr. BUTTERFIELD.
H.R. 2947: Mr. MCGOVERN.
H.R. 2948: Mr. MORAN of Kansas.
H.R. 3011: Mr. DEAL of Georgia, Mrs. BLACKBURN, and Mr. MURPHY.
H.R. 3041: Mr. ETHERIDGE.
H. Con. Res. 38: Mr. NORWOOD.
H. Con. Res. 140: Mr. CHABOT, Mr. SIMMONS, Mr. BASS, Mr. MORAN of Kansas, and Mr. BUYER.
H. Res. 158: Mr. SERRANO.
H. Res. 175: Mr. ANDREWS and Mr. HOLT.
H. Res. 209: Mr. NEUGEBAUER.
H. Res. 246: Mr. PRICE of North Carolina.
H. Res. 259: Mr. DAVIS of Alabama and Mr. MENENDEZ.
H. Res. 312: Mr. CALVERT, Mr. OBERSTAR, and Mr. GILLMOR.
H. Res. 316: Mrs. MCCARTHY, Mr. PAYNE, Mr. HOLT, and Mr. STARK.
H. Res. 317: Mr. PAYNE, Ms. BORDALLO, Mr. FOLEY, Mr. MCHENRY, Mr. KLINE, and Mr. BISHOP of Georgia.
H. Res. 325: Mr. BERMAN, Mr. HINCHEY, Mr. BROWN of South Carolina, and Mr. CROWLEY.
H. Res. 332: Mr. CASTLE and Mr. SAXTON.
H. Res. 333: Mr. PITTS, Mr. ROHRABACHER, Mr. MENENDEZ, Mr. BURTON of Indiana, Ms. MCCOLLUM of Minnesota, Mr. BERMAN, Ms. WATSON, Mr. FALEOMAVAEGA, Mr. LEACH, Mr. CARDOZA, Mr. CROWLEY, Mr. CHABOT, Mr. MCCOTTER, Mr. PENCE, and Mr. CHANDLER.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 415: Ms. WOOLSEY.
H.R. 2567: Mr. FARR.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3010

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

SEC. _____ None of the funds made available in this Act may be used to reimburse, or provide reimbursement, for Viagra, Levitra, or Cialis.

H.R. 3010

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to reimburse, or provide reimbursement, for drugs prescribed for the treatment of impotence.

H.R. 3010

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 28: At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

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Senate

The Senate met at 9 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

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

Let us pray.

O Lord, our Lord, how excellent is Your name in all the Earth. You have set Your glory above the Heavens. Lord, we thank You for blessing our land with productivity and protection. May we never take these gifts for granted.

Use our Senators as Your instruments across the world to fill the emptiness in the lives of others. Lead them to make sacrifices that others may find freedom. Open their minds to divine principles, holy directives, and undeniable truths as they seek to respond to a world in need.

Lord, move each of us with Your power to comfort the sorrowful, strengthen the tempted, inspire the faithful and to save the lost. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 23, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume debate on the Energy bill, with the time equally divided until the cloture vote, which is scheduled for 10 a.m., about an hour from now. I expect that cloture will be invoked on the bill today. We have now debated the bill and the amendments for almost 2 weeks, and it is time that we move toward final passage, which I hope and believe will be today.

Senators DOMENICI and BINGAMAN have been on the floor and available to consider amendments during the entire 2-week process. I congratulate them on moving this bill forward in a very efficient and timely way.

I do hope that once cloture is invoked, we will find a way to bring this bill to completion this afternoon or evening. As I mentioned last night before closing, if Members do cooperate and show restraint with their amendments, we could certainly finish at a reasonable hour, and I hope we will accomplish that. If Members wait and come forward at the very last minute, it will be necessary to stay here until very late tonight, indeed until tomorrow. So it really is up to us how we handle it. I encourage our colleagues to come to the floor and talk to the managers as soon as possible if they wish to offer their amendments.

I do think we are on the glidepath to completing this bill. As I mentioned last night, following completion of the bill, hopefully tomorrow, we would begin the Interior appropriations bill. The Democratic leader and I will be having more to say about that.

IRAQI PRIME MINISTER

Mr. FRIST. Mr. President, this morning I have the honor of meeting with Iraqi Prime Minister Ibrahim al-Jafari. The Prime Minister is in the United States to meet with President Bush and other Washington leaders to discuss the next steps in Iraq's transition to a free and democratic society. I have not yet met the Prime Minister. I look forward to doing so in the next couple of hours.

The Prime Minister deserves great praise for his leadership. He has worked hard as Prime Minister to reach out across ethnic and religious lines. Because of his efforts, Iraq is led by a transitional government that includes ministers from each of Iraq's ethnic and religious groups.

The Prime Minister's steady leadership has been inspiring. Next Tuesday, 5 days from now, June 28, will mark the 1-year anniversary of the transfer of sovereignty from the Coalition Provisional Authority to a sovereign Iraqi Government. Since then, Iraq has fought the insurgency with determination as it has undergone truly remarkable changes. Perhaps none was more remarkable than the elections on January 31. On that day, 8 million Iraqis cast their votes for the first democratically elected national assembly in more than 50 years. They came on foot, they came by car and some even came by wagon. They defied all manner of terrorist threat and terrorist intimidation.

It was truly extraordinary. No one who saw the images of those brave citizens emerging from the polling stations, holding aloft those stained, blue-inked fingers, could help but be moved and inspired. While the task of forming

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

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a government has taken much longer than any of us would have hoped, the Iraqi people now turn to the task of drafting a constitution and laying the groundwork for a new round of elections at this year's end.

Last week, leaders of the 55-member committee charged with drafting the new constitution reached a compromise with the Sunni Arab groups. Together, they decided on the number of Sunni representatives to serve on that committee. This was a major step forward and a significant effort on the part of the majority to reach out to the Sunni leadership. It was also significant because of the impact it could have on the ground.

As we have seen political progress slow, we have watched unfortunately the violence increase. Building and sustaining momentum in the political process is clearly linked to undermining the terrorists and their support. During their low turnout in the January elections and the current spate of violence, the Sunnis realized they cannot achieve their aims by standing outside the process or by failing to face down the insurgents.

Like all Iraqis, they have a tremendous stake in the success of Iraq becoming a peaceful and prosperous democracy. They know the best way to ensure the outcome and to ensure their rightful place is to work constructively with their fellow Iraqis. I am heartened by the efforts of the Shi'a and Kurd leaders to include the Sunnis in the political process.

These are difficult times, and they require thoughtful leadership. The efforts of all parties to reach out and be inclusive deserves our praise and our steadfast support, as do the brave Iraqis who have stepped forward to defend and protect their country. The Iraqi forces have suffered more deaths and casualties than coalition forces. Despite repeated direct attacks on their ranks, every day thousands of young Iraqis continue to volunteer for service. The Defense Department reports that, as of June 8, more than 160,000 Iraqi security forces have been trained and equipped.

Yes, many of them have much experience to gain and much more to learn before they will be able to act independently, but this will take time as we strive to get 270,000 Iraqis in uniform by July 2006.

Progress is being made. Two or three months ago, I had the opportunity to travel to Jordan and visited one of the Iraqi-Jordanian police training academies. They are on the ground. One can see the progress that is being made in Iraq and with the Iraqi police recruits. One can see their commitment to seeing the job through.

It is all a difficult task, and it is going to take a lot of determination, but I am confident the Iraqi forces will continue to improve and continue to demonstrate their bravery in the days ahead.

As Iraqis assume a greater responsibility for their own defense, the pace of Iraq's reconstruction should also gain speed. After decades of corruption and mismanagement by Saddam's regime, many of Iraq's towns and cities were in shambles, sewage in the streets, tumbled-down schools, unreliable electricity and unreliable and unpotable water. Coalition forces have been working hard to help the Iraqis rebuild and retool.

We are also helping the Iraqis strengthen the rule of law, a civil society, and private enterprise. A strong economy means more opportunities, better jobs, more jobs and a brighter future. Opinion polls show a majority of Iraqis remain optimistic about their economic future despite ongoing security concerns. It is all hard work, and it is made much harder by foreign interference.

The State Department reports that while Syria has taken some steps to improve border security, supporters of the terrorists continue to use Syrian territory as a staging ground. On the Iranian front, Secretary of Defense Rumsfeld and CIA Director Goss report that Iran has sent money and fighters to proteges in Iraq. The fact is, some of Iraq's neighbors fear a large, prosperous democracy on their borders. They fear that a democratic Iraq will export freedom and liberty to their lands. But fear will not stop freedom's progress. Iraq will succeed and will become a beacon of hope throughout the region and throughout the world.

We have already seen the beginnings in the Cedar Revolution in Lebanon. Freedom is on the march, and the Iraqi people are leading the way.

I urge my colleagues in the Senate to continue to offer our steadfast support. This is an extraordinary opportunity to change the course of history and bring peace and stability to the heart of the Middle East. Such steadfastness will not be easy and will not be without cost, but we must succeed. We cannot allow the terrorists to win, and we cannot allow Iraq to fall into chaos, sectarian violence or the rule of extremists. This is going to take a lot of time. It is going to take a lot of money. It is going to take a lot of patience.

The American people need to understand that we will be in Iraq for some time to come. It is vital to the Iraqis that we be there. It is critical to the region that we be there. It is essential to our own security that we be there. Our time line will be driven by success and our exit will depend on the security situation. It will depend on democracy's advance and the wishes of a sovereign Iraq.

It is clear to me that as Iraqis are able to stand up and provide their own security, without coalition assistance and without foreign intervention, we should be able to begin withdrawing personnel from that region.

When I meet with the new Iraqi Prime Minister later this morning, we will discuss all of these pressing matters. I will let him know America is fully committed to Iraq's success. I will also tell him we expect continued progress on security, on reconstruction, and the formation of a functioning democracy.

In the end, Iraq, the region, and the United States will be more safe and more secure.

I ask unanimous consent that the time just consumed be counted against the majority's allocated time prior to the cloture vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Pending:

Wyden-Dorgan amendment No. 792, to provide for the suspension of Strategic Petroleum Reserve acquisitions.

Reid (for Lautenberg) amendment No. 839, to require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison

Schumer amendment No. 811, to provide for a national tire fuel efficiency program.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the Senator from New Mexico, Mr. DOMENICI, and the Senator from New Mexico, Mr. BINGAMAN, or their designees.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we have 30 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. First, I thank my friend and the ranking member, Senator LEAHY, for permitting me to go first so we can attend in an appropriate way the Armed Services Committee and Secretary Rumsfeld. It is typical courtesy on his part.

I yield myself 9 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

SUPREME COURT VACANCY

Mr. KENNEDY. Mr. President, as we all know, a major debate may soon be underway in the Senate and the country if there is a vacancy on the Supreme Court. It is clear that the Bush administration is well along in choosing its nominee for the vacancy, and the Senate must be well-prepared as well.

The initial major question is whether, for the highest judicial position in the land, President Bush will choose consultation and consensus or confrontation and conflict. I urge the President not to cede this important constitutional responsibility to a narrow faction of his own party—and to groups so extreme they have called for the impeachment of six of the current nine Justices because those Justices refuse to make the law in accord with the groups' wishes.

In the landmark May 23rd agreement, the bipartisan group of 14 Senators spoke clearly for this body on two vital points. First, we intend to remain the world's greatest deliberative body, where the rules, not raw power, prevail, and where the rights of the minority are respected—not silenced. Second, the agreement sent a strong reminder to the President that the Constitution requires him to obtain both the advice and consent of the Senate before appointing judges, and that we expect him to do so in good faith.

When the Framers of the Constitution adopted our system of checks and balances 218 years ago, they focused intently on the process for selecting judges. They wanted judges to be independent, so they gave them lifetime positions and prohibited any reduction in their compensation.

Initially, they were so concerned that Presidents might abuse the power to select judges that they gave the Senate the sole power to appoint Federal judges. But some delegates argued for a Presidential role, and they debated the issue at length.

Benjamin Franklin, always ready with new ideas, pointed to the Scottish system, where the lawyers themselves selected the judges. Invariably, he said, the best and smartest candidates were selected as judges, because the other lawyers wanted to remove their toughest competitor and divide his business among themselves.

In fact, in three separate votes in July 1787, the Framers refused to give the Executive any role in judicial selection, because they did not believe the President could be trusted with that responsibility. They again placed the entire appointment power in the Senate.

Later, as the Constitutional Convention was ending in September, they agreed to a compromise, based on the procedure that Massachusetts had used successfully for over a century. To get the best possible judges, the President and the Senate would have to agree on appointments to the Federal courts. The President was powerless to appoint judges without considering the Senate's advice and obtaining its consent.

For over two centuries that system has worked well. At the Supreme Court level, Presidents have nominated 154 Justices. Most of them were confirmed by the Senate, but some 20 percent were not. Some could not get Senate consent because the Senate did not feel they were qualified for the job, some because they were selected for reasons of politics or ideology with which the Senate did not agree, and some because they were perceived as being too close to the President to be independent.

A few of us who have been here in the Senate for all of the confirmations of the current nine Justices know that most of them were consensus choices. Seven of them—including all six whom the right-wing wants to impeach—were confirmed with such strong bipartisan support that no more than nine Senators voted against them, and, of those, four received unanimous Senate support.

We learned many things from past debates. One of the most important is that there are large reservoirs of excellent potential nominees among the many capable judges and lawyers in the United States, and that, if they are chosen for the High Court, they will receive overwhelming support in the country and in the Senate. Presidents who have listened to the Senate's advice and selected such candidates have had no problem obtaining Senate consent. President Bush can do that, too. If he takes our bipartisan advice, he will have no trouble obtaining our bipartisan consent.

Presidents who have had the most trouble with the confirmation process are those who listened to erroneous advice about the process. As recently as this week, a Member of this body argued in print that:

> Senate practice and even the Constitution contemplate deference to the President and a presumption in favor of confirmation.

That's not what the Constitution says. Since the days of George Washington—whose nomination of a Justice was denied consent by the Senate of that day, there has been no ''presumption in favor of confirmation'' of lifetime judicial appointees. In general, many of us do give some deference to a President's nominees to the executive branch, since they are not lifetime appointments. But even there, if the President overreaches, we act to fulfill our constitutional responsibility.

Three times in my experience, Presidents have pushed the Senate too far on Supreme Court nominations, and the Senate has said ''no.'' Each time, the White House argued for Senate deference and the Senate, each time with bipartisan support, refused to defer. Two of those rejections were consecutive nominations for the same vacancy, with members of the President's own party providing the majority for rejection each time. In the second of those two, the selection was so plainly an arrogant affront to the Senate, that the best argument the proponents could make was that mediocrity deserved representation, too, on the High Court, a proposition the Senate soundly rejected.

Clearly, Senators should not support a nominee just because a President of their party proposed the nomination. The Framers relied on each of us to make independent and individual judgments about the President's nominees. We do not fulfill our constitutional trust if we merely ''placate-the-President.'' I have seen repeated examples of Senatorial courage when numerous members of the President's party—even members of his leadership team—have refused to go along with plainly inappropriate Presidential selections.

We should do exactly what the Framers intended us to do—be joint and coequal defenders of the rule of law and the fairness and quality and independence of the Federal courts. We must listen to their voices now, summoning us across the centuries, to uphold that basic ideal, with full devotion to our role in the checks and balances that have served the Nation so well. We fail them if we march in lockstep with the White House.

As past experience shows, nominees selected for their devotion to a particular ideological agenda are likely to have the most difficulty being confirmed, because that kind of choice rarely achieves a consensus. History shows plainly that the better course is to search for the highest quality candidates who have demonstrated their respect for the rule of law. They respect core constitutional principles, especially those that define the rights of each citizen. They have demonstrated their commitment to finding the law, not making the law. They respect stare decisis, the deference to well-accepted past decisions that have kept the Nation strong by reconciling traditional principles with new needs and challenges. They show respect for the basic structure of Government, especially for Congress when it acts within its established powers. They have demonstrated the ability to subordinate their own ideological and result-oriented preferences to the rule of law.

Especially at the Supreme Court level, the choices should not be partisan choices based on today's partisan issues. The Justice we may select this year could well be providing justice to our children and grandchildren for decades to come. It is more important that the nominee have a strong dedication to principles of justice than a strong position on controversial issues of the day.

It is a disservice to the Court to attempt to install ideological activists bent on making sudden and drastic shifts in the Court's careful, gradual jurisprudence. The Supreme Court is at its worst when it splits into extreme, contentious sides, and reaches extreme results that make much of the Nation cringe and leave only the ideological activists satisfied.

Like sausage and legislation, the confirmation or rejection of a Supreme Court nomination is not always something pleasant to watch or be part of. The course is set by the President. If the President submits an ''in your face'' nomination to flaunt his power, it takes time and effort and sweat and tears before the truth about the candidate is fully discovered and explained to the public and voted on.

We are fortunate to have had a dress rehearsal for the process. Before the White House decided to threaten the Senate with the nuclear option, few Americans had any idea what was happening here and how important it was. It took some time, but eventually the public understood the seriousness of the threat to break the rules in order to change the rules, so that for the first time in Senate history, a bare majority of the Senate could impose a gag rule on every other Senator and enable the President to exercise absolute power over the courts without meaningful review by the Senate. Fortunately, the Senate stepped back from that brink, and the Senators who reached that bipartisan agreement to make it possible deserve great credit.

Those who want the Senate to be a rubber stamp for a White House nominee to the Supreme Court will undoubtedly try to rush us through our duty. But if we are to do our job for the American people in good faith, the process of considering a Supreme Court nominee cannot be rushed. It will take time to obtain the necessary information and documents, and to review and understand them. It will take time to gather witnesses and prepare for hearings. If the nomination is not a consensus nomination, the hearings will be intensive and extensive. If the nominee is evasive, there will be longer hearings and follow-up questions, which will also take time to analyze. Only when all the information is available and fairly considered, can the nomination go forward.

If President Bush resists his fringe constituencies, and seeks the advice of the Senate as he should, the nomination process can have a happy ending. I hope our colleagues across the aisle will urge the President to respect the May 23rd bipartisan agreement and its memorandum of understanding, and take to heart its serious request that he consult with Senators from both parties before proposing a Supreme Court nominee.

We already have in place a process for doing so. In selecting district judge nominees in our States, the White House sends us the list of persons being considered seriously, and asks for our comments on each, as well as our suggestions for additional names to consider. When they have narrowed down the list, they share the short list with us, so that we can give our final advice as to which ones are best and which ones would raise problems. Almost always, our advice is considered and respected. As a result, most District Judges go through the confirmation process quietly and expeditiously, and obtain the consent of the Senate.

Article II, Section 2, Clause 2, of the Constitution clearly says, ''with the advice and consent of the Senate,'' not the advice of anyone else, just 100 of us here in the Senate, who speak for all the American people. It doesn't take much to get our consent. All the President has to do is seek out his preferred non-ideological choices, ask us about them, and listen to our answers.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the strong, eloquent statement of the Senator from Massachusetts. He is a former chairman of this committee, the Judiciary Committee. Of course, he is not only a former chairman but, as one of the three most senior Members of the Senate, is well aware of what has been our practice.

I think we may also hear from the senior Senator from Delaware, Mr. BIDEN, who is another former chairman.

Let me speak in my capacity also as a former chairman of the Judiciary Committee.

It is now almost 1 month since the bipartisan agreement was forged to avert an unnecessary ''nuclear'' showdown in the Senate. Democratic Senators who signed the Memorandum of Understanding on Judicial Nominations that averted the nuclear option have fulfilled their commitments with respect to invoking cloture on several controversial nominees. Sadly, with Republicans voting party-line on almost every one of these nominees, they have been confirmed. Meanwhile, as the Democratic leader had offered months ago, the Senate considered and voted upon two Sixth Circuit nominees and an additional DC Circuit nominee.

What has yet to take place, however, is the kind of meaningful consultation that Republican and Democratic Senators explicitly called for in that memorandum. They ''encouraged the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.'' They called for a ''return to the early practices of our government'' that reduced conflict and led to consensus. We have not yet noticed an abundance of consultation. And unfortunately, White House officials have declared that the President has no interest in and feels no obligation to assist in implementing this feature of the memorandum.

Since the White House will not acknowledge the record, I thought it worth noting that 214 of this President's judicial nominations have already been confirmed by the Senate. That includes 41 circuit court nominees, an almost 80-percent confirmation rate of his many divisive circuit court nominees. These figures are all well ahead of the rates during President Clinton's administration. At a similar point in the last administration, only 180 nominees had been confirmed, including only 31 circuit court nominees, which amounted to barely 74 percent of President Clinton's circuit court nominees.

With all the recent talk from Republicans about the principle of every nominee being entitled to an up-or-down vote, it is striking that such a standard was not considered at all while Republicans pocket filibustered more than 60 of President Clinton's judicial nominees. As I demonstrated during the time I served as chairman and since then, President Bush's nominees have been treated far more fairly than were President Clinton's nominees.

I have spoken over the last 4½ years, most recently in the last few weeks, about the benefits to all if the President were to consult with Members of the Senate from both sides of the aisle on important judicial nominations. I return today to emphasize, again, the significance of meaningful consultation on these nominations. It bears repeating given what is at stake for the Senate, the judiciary and the American people.

In a few more days the U.S. Supreme Court will complete its term. Last year the Chief Justice noted publicly that at the age of 80, one thinks about retirement. I get to see the Chief Justice from time to time in connection with his work for the Judicial Conference and the Smithsonian Institution. Sometimes we see each other in Vermont or en route there, and I am struck every time by his commitment to service. He is waging his personal battle against ill health with his characteristic resolve. I know that the Chief will retire when he decides that he should, and not before. He has earned that right after serving on the Supreme Court for more than 30 years, the last 19 as the Chief Justice. I have great respect and affection for him, and he is in our prayers.

In light of the age and health of our Supreme Court Justices, speculation has accelerated about the potential for a Supreme Court vacancy this summer. In advance of any such vacancy, I have called upon the President to follow the constructive and successful examples set by previous Presidents of both parties who engaged in meaningful consultation with Members of the Senate before selecting nominees. This decision is too important to all Americans to be unnecessarily embroiled in partisan politics.

I have said repeatedly that should a Supreme Court vacancy arise, I stand ready to work with President Bush to help him select a nominee to the Supreme Court who can unite Americans. I have urged consultation and cooperation for 4 years and have reached out to the President, again, over these last few weeks. I hope that if a vacancy does arise the President will finally turn away from his past practices, consult with us and work with us. This is the way to unite instead of divide the Nation, and this is the way to honor the Constitution's ''advise and consent'' directive, and this is the way to preserve the independence of our federal judiciary, which is the envy of the rest of the world.

Some Presidents, including most recently President Clinton, found that

consultation with the Senate in advance of a nomination was highly beneficial in helping lay the foundation for successful nominations. President Reagan, on the other hand, disregarded the advice offered by Senate Democratic leaders and chose a controversial, divisive nominee who was ultimately rejected by the full Senate.

In his recent book, ''Square Peg,'' Senator HATCH recounts how in 1993, as the ranking minority member of the Senate Judiciary Committee, he advised President Clinton about possible Supreme Court nominees. In his book, Senator HATCH wrote that he warned President Clinton away from a nominee whose confirmation he believed ''would not be easy.'' Senator HATCH goes on to describe how he suggested the names of Stephen Breyer and Ruth Bader Ginsburg, both of whom were eventually nominated and confirmed ''with relative ease.'' Indeed, 96 Senators voted in favor of Justice Ginsburg's confirmation, and only three Senators voted against; Justice Breyer received 87 affirmative votes, and only nine Senators voted against. Nor are these recent examples the only evidence of effective and meaningful consultation with the Senate over our history.

The Constitution provides that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint'' judges and explicitly the members of the only court established by the Constitution itself, the Supreme Court. For advice to be meaningful, it needs to be informed. Despite his public commitment at a news conference three weeks ago specifically regarding the Supreme Court, the President has not even begun the process of consulting with Democratic Senators. I wrote to the President, again, last month, urging consultation and even making suggestions on how he might wish to proceed.

Bipartisan consultation would not only make any Supreme Court selection a better one, it would also reassure the Senate and the American people that the process of selecting a Supreme Court justice has not become politicized.

The bipartisan group of 14 Senators who joined together to avert the ''nuclear option'' included the following in their agreement:

> We believe that, under Article II, Section 2, of the United States Constitution, the word ''Advice'' speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.
>
> Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.
>
> We firmly believe this agreement is consistent with the traditions of the United States Senate that we as Senators seek to uphold.

I agree. Bipartisan consultation is consistent with the traditions of the Senate and would return us to practices that have served the country well. Our fellow Senators have history and the well-being of the Nation on their side in urging greater consultation on judicial nominations. They are right.

What is troubling are the recent reports that the White House plan does not include meaningful consultation at all, but instead plans a political-style campaign and some sort of preemptive contact to allow them to pretend they consulted, without anything akin to the kind of meaningful consultation that this important matter deserves. Partisan activists supporting the White House boasted last week about a war chest of upwards of $20 million to be used to crush any opposition to the White House's selection. That sounds awfully like preparations for all out partisan political warfare. If the White House intends to follow that type of plan, it would be most unfortunate, unwise and counterproductive.

Though the landscape ahead is sown with the potential for controversy and contention should a vacancy arise on the Supreme Court, confrontation is unnecessary. Consensus should be our mutual goal. I would hope that the President's objective will not follow the path he has taken with so many divisive circuit court nominees and send the Senate a Supreme Court nominee so polarizing that confirmation is eked out in the narrowest of margins. This would come at a steep and gratuitous price that the entire Nation would have to pay in needless division. It would serve the country better to choose a qualified consensus candidate who can be broadly supported by the American people and by the Senate.

The process begins with the President. He is the only participant in the process who can nominate candidates to fill Supreme Court vacancies. If there is a vacancy, the decisions made in the White House will determine whether the nominee chosen will unite the Nation or will divide the Nation. The power to avoid destructive political warfare over a Supreme Court vacancy is in the hands of the President. No one in the Senate is spoiling for a fight. Only one person will decide whether there will be a divisive or a unifying process and nomination. If consensus is accepted as a worthy goal, bipartisan consultation will help achieve it. I believe that is what the American people want, and I know that is what they deserve.

If the President chooses a Supreme Court nominee because of that nominee's ideology or record of activism in the hopes that he or she will deliver political victories, the President will have done so knowing that he is starting a confirmation confrontation. The Supreme Court should not be a wing of the Republican Party, nor should it be an arm of the Democratic Party. If the right-wing activists who were disappointed that the nuclear option was averted convince the President to choose a divisive nominee, they will not prevail without a difficult struggle that will embroil the Senate and the country. And if they do, what will they have wrought? The American people will be the losers: The legitimacy of the judiciary will have suffered a damaging blow from which it may not soon recover. Such a contest would itself confirm that the Supreme Court is just another setting for partisan contests and partisan outcomes. People will perceive the federal courts as places in which ''the fix is in.''

Our Constitution establishes an independent federal judiciary to be a bulwark of individual liberty against incursions or expansions of power by the political branches. That independence is what makes our judiciary the model for others around the world. That independence is at grave risk when a President tries to pack the courts with activists from either side of the political spectrum. Even if successful, such an effort would lead to decisionmaking based on politics and would forever diminish public confidence in our justice system.

The American people will cheer if the President chooses someone who unifies the Nation. This is not the time and a vacancy on this Supreme Court is not the setting in which to accentuate the political and ideological division within our country. In our lifetimes, there has never been a greater need for a unifying pick for the Supreme Court. At a time when too many partisans seem fixated on devising strategies to force the Senate to confirm the most extreme candidates with the least number of votes possible, Democratic Senators are urging cooperation and consultation to bring the country together. There is no more important opportunity than this to lead the Nation in a direction of cooperation and unity.

The independence of the federal judiciary is critical to our American concept of justice for all. We all want Justices who exhibit the kind of fidelity to the law that we all respect. We want them to have a strong commitment to our shared constitutional values of individual liberties and equal protection. We expect them to have had a demonstrated record of commitment to equal rights. There are many conservatives who can readily meet these criteria and who are not rigid ideologues.

This is a difficult time for our country, and we face many challenges. Providing adequate health care for all Americans, improving the economic prospects of Americans, defending against threats, the proliferation of nuclear weapons, the continuing upheaval that afflicts our soldiers in Iraq—all these are fundamental matters on which we need to improve. It is my hope that we can work together on many issues important to the American people, including maintaining a fair and independent judiciary. I am confident that a smooth nomination and confirmation process can be developed on a bipartisan basis if we work

together. The American people we represent and serve are entitled to no less.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New York.

Mr. SCHUMER. How much time remains?

The PRESIDING OFFICER. The minority side controls 10 minutes.

Mr. SCHUMER. I ask unanimous consent that others who wish to add statements to the record on this subject be allowed to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I thank my colleague from Vermont, our leader on the Judiciary Committee, for, as usual, being right on point with eloquence and with no malice.

As many know, there is a real possibility that a vacancy on the Supreme Court will be announced shortly. The Supreme Court should finish its term either Monday or Thursday, depending on the caseload.

There is one question American people are asking about the Supreme Court; that is, how, if and when a vacancy occurs—and we all pray, of course, for Chief Justice Rehnquist's health, but if and when a vacancy occurs—how do we avoid the divisiveness that has plagued this body, this town, and this country about Court nominees over the last several years?

The answer is simple. It can be described in one word: consultation. The ball is in the President's court. If the President chooses to do what he has done on court of appeals nominees—not consult, just choose someone, oftentimes way out of the mainstream, and say take it or leave it—the odds are very high there will be a battle royal over that nomination. If, on the other hand, the President follows the path of what so many other Presidents before him have done—consults with the Senate, with the Congress, both Republicans and Democrats, and takes their advice to heart—we can have a smooth, amiable, easy Supreme Court nomination.

Again, the ball is in the President's court. Consultation is part of the constitutional process, advise and consent. The Founding Fathers did not use words lightly. The relatively short document of our Constitution is amazing for its brilliance and its brevity. When they decide to put a word in like ''advise,'' lots of thought has gone in before it. ''Advise'' means seek the advice of the Senate. It does not say in the Constitution, seek the advice of your party or seek the advice of people who agree with you. The intention, it is quite clear, is to seek a breadth of advice.

That is why, today, a letter signed by 44 of the 45 members of the Democrat caucus, asking the President to consult with us, will be sent. The 45th member, Senator BYRD, agrees with the thrust and the concept of our letter but felt so strongly about the issue he is sending his own letter, which I am sure will be in his own wonderful style and make the point well.

The need for advice, the need for consultation, was made clear when the group of 14—seven Democrats and seven Republicans—got together. In their agreement, they wrote:

> We believe that, under Article II, Section 2, of the United States Constitution, the word ''advice,'' speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

This is a moderate, bipartisan group. They tend to be some of the more conservative Democrats and some of the more liberal Republicans. It is certainly mainstream. Will the President heed their advice and seek the advice of the Senate? If he seeks advice, will it be real? To simply call someone in for a meeting and say, what do you think, and then go about things as if the meeting did not happen is not advice. Real advice means talking about specific nominees in private, saying: What do you think of this name or that name, this person or that person? That is, indeed, what President Clinton did as he consulted Senator HATCH, hardly his ideological soul mate, and many others. Senator HATCH told President Clinton some proposed nominees might be out of the mainstream and garner opposition, at least from the other side of the aisle. But some, even though Senator HATCH clearly did not agree with their politics, were in the mainstream and would get through the Senate with relatively little acrimony. President Clinton took Senator HATCH's advice and the nominations were smooth.

That is not the only time advice has been sought. In 1869, President Grant appointed Edward Stanton to the Supreme Court in response to a petition from a majority of the Senate and the House. In 1932, President Hoover presented Senator William Borah, the influential chairman of the Foreign Relations Committee, with a list of candidates he was considering to replace Justice Oliver Wendell Holmes. Borah persuaded Hoover to move the name of the eventual nominee, Benjamin Cardozo, from the bottom of the list to the top, and Cordozo was speedily and unanimously confirmed.

There are many instances of Presidents seeking the advice in terms of the advice and consent of the Senate. When the President has done it on judicial nominees here, it has worked. Frankly, the President and the White House have consulted with me about nominations to the district courts in New York and the Second Circuit Court of Appeals. They have actually bounced names off of me and said: What do you think of this one? What do you think of that? As a result, every vacancy is filled quickly with little acrimony and with broad consensus.

Most of the nominees I have supported in my area do not agree with me philosophically. But they are part of the mainstream, and I was willing, able and, in many cases, happy to support them. So it can be done and should be done.

There is all too much divisiveness in Washington. On the issue of the courts, it is our sincere belief on this side of the aisle that the President's refusal to consult and willingness to nominate some who are so far out of the mainstream that they cannot be regarded as interpreters of law rather than makers of law. That is the main reason we stand at this point of great acrimony in terms of judicial nominations. All of that can be undone by some sincere consultation.

President Bush, when he ran for office and got into office, said he wanted to change the tone and climate in Washington; he wanted to bring people together. That was a noble sentiment, a wonderful sentiment. He can, despite the acrimony that has occurred on judicial nominations and so much else over the last few years, almost like with a magic wand, undo much of it by seeking real consultation should there be a vacancy on the Supreme Court.

On behalf—I believe I can say this without any hesitation—of all 44 of my colleagues on this side of the aisle, we plead, we pray, with the President to engage in real consultation, to heed the advise and consent of the Constitution, and to come up with a Supreme Court Justice, should a vacancy occur shortly, that we all—from the most conservative to the most liberal Member of this body—can be proud to support.

I yield the floor.

The PRESIDING OFFICER. The minority time is expired.

The Senator from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. DOMENICI. How much time does the Senator want?

Mr. ISAKSON. Three minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 3 minutes.

Mr. ISAKSON. Mr. President, I thank the Senator from New Mexico for yielding the time.

(The remarks of Mr. ISAKSON are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself as much time as I may use.

Mr. President, fellow Senators, shortly the Senate is going to vote. We are going to have a cloture vote to decide whether we should bring closure to

what I think has been an excellent 2 weeks of debate about a new American policy, a policy which is directed at trying to make our energy supply for the future more secure for our domestic growth and for our national security.

We have been waiting a long time for this day. If the Senate, indeed, at its pleasure, grants cloture, which I hope we will, it means we will bring to a conclusion in short order a long debate and fulfill a longstanding need for an American energy policy that is encapsulated in this bill, which was produced by the Energy and Natural Resources Committee over weeks of hearings and day after day of debate, with voting, and finally concluding that the bill that is before us is the right thing to do.

Since then, the Senate has exercised its right to offer amendments and discuss them. Some amendments were adopted to change, alter what the committee recommended. But in essence, fellow Senators, we have a rare opportunity today, in a reasonable period of time—not with acrimony but with debate—to pass this legislation. That is, in a sense, consistent with the best of the Senate: having amendments openly debated, many of them; views, some in accord with the bill, some in opposition to the bill here on the floor, as witnessed by those who pay attention to what goes on in the Senate.

So I say, as one who has been a participant for a few years, this is an effort to bring this matter to a vote in the Senate so we can bring this legislation to the House of Representatives. Our Constitution requires that both Houses agree on the legislation. Some do not understand that our Constitution is rather conservative when it comes to passing legislation. You do not just have your vote in the Senate; the House has theirs. Then you have to go to conference and agree on the same text in both Houses, which is done by a committee called a conference committee.

That will occur only when we have voted out a bill. We will vote out a bill only when we have completed debate under our rules. We probably will not conclude debate for a long time unless cloture is imposed.

I believe on a domestic bill, cloture should not be invoked arbitrarily or in advance of a reasonable amount of time. People should be permitted to talk, to amend. But, fellow Senators, we have been at this on the floor for enough time. And when you consider the prior efforts, I believe the American people are wondering why we cannot get something done. Why more time? The purpose for this activity called cloture is to say we have had enough time. With cloture invoked, sooner rather than later, the bill will be voted ''yes'' or ''no'' by the Senate.

So we seek that. That is the privilege of saying to the Senate, we are going to vote ''yes'' or ''no'' soon rather than later. The way we can do that is by voting ''aye'' on the cloture vote.

I note the presence of Senator BINGAMAN. I have additional time. Would the Senator care to address the issue of cloture today?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I appreciate my colleague's comments and his willingness to let me speak for a few minutes.

I join him in urging that we go ahead and invoke cloture on the bill. I do believe we have had a good debate on the Senate floor. We have had a good opportunity for amendments to be offered. The process has been open. I have supported some amendments that have been offered to the bill; I have opposed others. I note my colleague has done the same. I believe each Senator has done the same. That is exactly how the Senate is intended to operate.

Obviously, there are Senators who still have amendments they would like to offer. Some of those amendments will be germane after the cloture vote occurs even if cloture is invoked. Those amendments can be considered by the Senate and disposed of at that time. That is appropriate.

But I understand the scheduling problems the majority leader has and the Democratic leader has as well. They believe they need to move to other legislation early next week, or even as early as tomorrow. Therefore, they would like to go ahead and conclude work on this bill.

This bill is not coming to the Senate sort of ab initio, as they teach you in law school. It has come here after we had a substantial debate on these very same issues two Congresses ago, and again last Congress. As the Senator from New Mexico pointed out, we had a very thorough and open process in the committee. This process we have had on the floor has been a thorough and open process as well.

I believe the bill that came out of committee was a good product. It was a substantial improvement over current law. And I said that. I believe it has been further improved as we have been working here on the Senate floor in considering amendments to the bill, so I do not doubt it could be improved even more. Some of the amendments which Members may still want to offer may well improve it more, and I may be a strong supporter of those. But clearly this has been a process that I think has given everyone an opportunity to participate and offer amendments. It has been a process that has led to a good product which we can take to conference with the House of Representatives. As I say, there will be additional opportunities, even if cloture is invoked, for us to further improve this bill with germane amendments.

So I will support cloture. I know each Senator can make his or her own mind up about that vote, but I believe the chairman of our committee has worked diligently to get us to this point. I have tried to work with him in that process. I think the majority leader and the Democratic leader are very focused on trying to get conclusion on this legislation. I support their efforts.

I yield the floor.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 6, a bill to ensure jobs for our future with secure, affordable, and reliable energy.

Bill Frist, Pete Domenici, Lamar Alexander, Kay Bailey Hutchison, Jim DeMint, Michael Enzi, Ted Stevens, Larry Craig, Craig Thomas, Mike Crapo, Conrad Burns, David Vitter, Richard Burr, Kit Bond, Wayne Allard, Jim Inhofe, Lisa Murkowski, George Voinovich.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 6, as amended, the Energy Policy Act of 2005, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD, the Senator from Minnesota (Mr. DAYTON), and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 92, nays 4, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—92

Akaka	Bunning	Cornyn
Alexander	Burns	Craig
Allard	Burr	Crapo
Allen	Byrd	DeMint
Baucus	Cantwell	DeWine
Bayh	Carper	Dodd
Bennett	Chafee	Dole
Biden	Chambliss	Domenici
Bingaman	Clinton	Ensign
Bond	Coburn	Enzi
Boxer	Cochran	Feingold
Brownback	Collins	Feinstein

Frist	Levin	Santorum
Graham	Lieberman	Sarbanes
Grassley	Lincoln	Schumer
Gregg	Lott	Sessions
Hagel	Lugar	Shelby
Harkin	Martinez	Smith
Hatch	McConnell	Snowe
Hutchison	Mikulski	Specter
Inhofe	Murkowski	Stabenow
Inouye	Murray	Stevens
Isakson	Nelson (FL)	Sununu
Jeffords	Nelson (NE)	Talent
Johnson	Obama	Thomas
Kennedy	Pryor	Thune
Kerry	Reed	Vitter
Kohl	Reid	Voinovich
Kyl	Roberts	Warner
Landrieu	Rockefeller	Wyden
Leahy	Salazar	

NAYS—4

Corzine	Lautenberg
Durbin	McCain

NOT VOTING—4

Coleman	Dayton
Conrad	Dorgan

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

AMENDMENT NO. 839

Mr. LAUTENBERG. Madam President, I have an amendment, Amendment No. 839, related to altering scientific documents. Would that amendment be germane postcloture?

The PRESIDING OFFICER. It would not be germane postcloture.

Mr. LAUTENBERG. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Regular order, Madam President.

The PRESIDING OFFICER. Is the Senator making a point of order against the amendment?

Mr. DOMENICI. I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 891

(Purpose: To modify the section relating to the coastal impact assistance program)

Mr. DOMENICI. Madam President, I call up amendment No. 891 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. BINGAMAN, Ms. LANDRIEU, Mr. VITTER, and Mr. LOTT, proposes an amendment numbered 891.

Mr. DOMENICI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I am pleased to be a cosponsor of this amendment, along with the Senator from Louisiana, Mr. VITTER, and many other Senators. We feel very strongly about this particular amendment.

I first thank the chairman of the committee and the ranking member for the excellent work they have done to move this Energy bill forward to this point. It has been a very difficult, tedious, and time-consuming task that has required a lot of patience and a lot of compromises to get a bill of this nature in this climate to this point. We appreciate their patience and their skill.

This is an amendment both leaders have been working on for many weeks. Amendment No. 891 would basically direct a portion of revenues to six States in the United States that have production off their shores, Louisiana being the prime State that produces so much of that energy resource for our Nation, but in addition, obviously Texas, Mississippi, to some degree Alabama, there is some production off the coast of California today—not much but some—and even the State of the Presiding officer, the State of Alaska, that contributes so much to the Nation's energy reserves, has some production off the coast.

Because of this tremendous contribution we have made these many years, let me say willingly and very ably, so many small, medium, and large companies have worked to perfect the technology. They have invented the tools, established the procedures, and have been pioneers in this industry. Many of the tools and technology invented for the environmentally responsible extraction of these minerals—not just in the United States but around the world—have actually been invented and developed in Louisiana. We are extremely proud of the contribution we have made.

In addition to this technological contribution we have made, we have contributed over $150 billion to the Federal Treasury since this began.

I see my colleague from Louisiana on the floor ready to speak in a few moments, but I would like to make a couple of other comments.

The wetlands in Louisiana are not Louisiana's wetlands, they are America's wetlands. They are host to some of the largest commercial shipping in the world. There are seven ports that comprise the ports of south Louisiana and, if combined, it is the largest port system in the world.

We have leveed the Mississippi River for the benefit of the Nation, not just for Louisiana's benefit. Realize, there were people living in Louisiana before the United States was a country. So we have been doing this a very long time. Controlling and taming this river, while it has been a great benefit to the Nation, has come at great cost to the State that holds this mouth of the great Mississippi River.

What do I mean by that? Because we channeled this river, again for the benefit of the Nation so we can ship grain out of Kansas and can ship goods throughout this world—north, south, east, and west—and serve as the vibrant global port that we are, the river has ceased to overflow its banks. So this great delta, the seventh largest in the world, is rapidly sinking. If we do not get some infusion of revenue through this mechanism and others that we are seeking, we will lose these wetlands. It will not be Louisiana's loss, it will be America's loss.

In addition to the commerce we support for our Nation, we also serve as a great migratory flyway for all the many bird species in North America. If they do not have a place to land when they come up from South America and Mexico—that is the place they land, that is the place they nest, that is the first land that is available to them off the water, and that is the marshland we are losing.

In addition, this delta, besides the commerce, besides the environmental benefits for birds and other wildlife, is the fisheries, the nursery for the Gulf of Mexico. More than 40 to 50 percent, estimated by scientists, of all the fisheries in the Gulf of Mexico have some part of their life cycle spent in this great expanse of wetlands.

I have been so pleased to have Senator DOMENICI and Senator BINGAMAN—both Senators from New Mexico—come down to Louisiana to fly over our marsh and see it. You cannot get there any other way. You cannot drive to our coast as you can to the coast in Florida or to the beaches in Mississippi where many of us spent many of our years growing up. There are actually only two beaches, and they are each only about 5 miles long. There are no highways. The only way you can get there is by pirogue, motor boat, skiff, helicopter, or air boat in the marsh. So not many people have seen these wetlands. I have pictures to show any colleague who would like to see them.

It is a magnificent stretch of land. The Everglades can fit inside it. It is three times the size of the Everglades in Florida. It is a huge expanse we are losing. If we do not capture these revenues in some annual, reliable amount to help the State of Louisiana put the resources into saving this wetlands, it will be, indeed, a great loss to America.

In addition to what this wetlands contributes to the United States, it is not only all the above I have described, but it also drains water from two-thirds of the United States. Without the ability to drain this water out, we would have flooding all the way up the Missouri. As you know, because of the

geography of our Nation, that water has to leave those areas or businesses and communities will flood.

We think we are making such—we don't think, we know we are making such a great contribution to this Nation in so many ways. We think this amendment is quite reasonable. There is money available for this purpose. It will be shared with these producing States.

From Louisiana's perspective, this money would be used primarily and almost exclusively for the restoration of America's wetlands so that these wetlands will be there for our children and our grandchildren.

It is with great pride I helped to lead this effort, along with my colleague from Louisiana and many cosponsors. That number continues to grow. We have substantial support because of the leadership of Senator DOMENICI and Senator BINGAMAN.

Again, Louisiana has contributed so much. We simply ask an investment back to preserve this wetlands, which is America's, and to recognize the contribution our State makes to the energy independence of this Nation and to the future economic viability of this Nation.

I want to recognize my colleague from Louisiana, Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise in strong support of amendment No. 891 as well. I am proud to join my Louisiana colleague, MARY LANDRIEU, in doing so.

I want to make five important points why this amendment is clearly the right thing to do.

First, as Senator LANDRIEU said, this amendment has very broad, very deep, and very bipartisan support. I thank her for her leadership, as well as so many others who have come together and worked very hard to craft a responsible amendment to move this issue forward in a concrete way.

Senator DOMENICI, the chairman of the committee, has led in an extraordinary way on this issue and is the primary author of this amendment. We thank him. Senator BINGAMAN, the ranking member of the committee, has led on this amendment as well and is a cosponsor and supportive of it. We thank him. Senator LANDRIEU and I, of course, as well as Senators LOTT and COCHRAN, SESSIONS, and others are all coming together, very broad based, in a bipartisan way to support this effort. That is point No. 1.

Point No. 2 is this is an utterly fair and just thing to do. In this overall debate about an energy bill, we are constantly looking for ways to secure our energy future, to increase our energy independence, to lessen our dependence on foreign sources, which is so troublesome, particularly in a post-9/11 world.

While in that debate, it is important to remember that there are a few States that have been leading that effort and have been doing their part all along, particularly these five coastal producing States—Louisiana, Texas, Mississippi, Alabama, Alaska, and California to a much lesser extent. So in this energy debate, it is certainly important to remember that some of us have been pulling our weight and far more than our weight every step of the way. Yet up until this moment, we have gotten virtually nothing for it.

While oil and gas and other mineral production on public lands onshore gives significant royalties to the host State—usually about 50 percent—that same sort of oil and gas production offshore gives virtually nothing to the host State, less than 1 percent.

That is utterly unfair and this amendment is a small initial step to correct that. As Senator LANDRIEU said, these coastal areas have produced $150 billion or more of Federal revenue, virtually no State revenue. This amendment would correct that injustice in a very small way by capturing a truly tiny percentage of that overall production and royalty figure for the host States.

Point No. 3 is that the host States, the coastal producing States, need this revenue to address problems directly related to this oil and gas production and our contribution to the Nation's energy security. In my home State of Louisiana, we have an absolute crisis going on. It is called coastal erosion. The easiest way I can summarize it is as follows: Close your eyes and try to picture a piece of land the size of a football field. That piece of land disappears from Louisiana, drifts out into the Gulf, lost forever, every 38 minutes. That is around the clock, 24 hours a day, 7 days a week, 52 weeks a year. The clock never stops. It goes on and on.

That loss is directly related to this oil and gas activity. So we have been contributing to the Nation's energy security, but the only thing we have gotten directly for it is these monumental problems which this revenue will help address.

Point No. 4 is that this amendment does not open any new areas to drilling. It does not provide incentives to open any new areas. Personally, I would like to do that. I think more of America needs to contribute to our energy security. I think we need to look in other areas. But clearly that is very politically controversial and this amendment does not attempt to do that in any way. So States that are not in the business, that do not want to be in the business, have nothing to fear from this amendment.

Point No. 5 has to do with the budget. All of us, led by Senator DOMENICI, a former budget chairman, have worked extremely hard so that this does not bust the budget in any way. We have bent over backward to fashion this amendment so it is within all the budget numbers.

A budget point of order may nevertheless be raised and I expect it to be raised. I want to explain what that is because it is not busting the numbers built into the budget. There is a reserve fund or a contingency fund within the budget that was part of the budget and part of the Budget Act specifically associated with the Energy bill. This amendment is well within the numbers of that fund and therefore does not go beyond the numbers of the budget. However, in the Budget Act, the chairman of the Budget Committee has the role of having to sign off on the use of that contingency fund. The chairman may not do that. He may therefore raise a budget point of order, and that is his right, and I respect his right and what he views as his obligation, but I want to make the point very clearly that is a technical point of order which is fundamentally different from an amendment which busts the budget numbers, which goes beyond the numbers built into the budget.

We have worked extremely hard with the budget chairman's staff, I might add, hand in glove with them, to make sure this amendment falls within all of the numbers of the budget and is well below that contingency fund number specifically for the Energy bill. So if that budget point of order is raised, it is valid, but it is, in a sense, a technicality because our amendment does not go beyond the numbers built into the budget and the Budget Act.

Mr. GREGG. Will the Senator yield on that point?

Mr. VITTER. I would be happy to yield.

Mr. GREGG. Is it the position of the Senator from Louisiana, therefore, that when a discretionary program is taken and turned into a direct spending entitlement program, that that is a technical point?

Mr. VITTER. No. The point which I just made was that this amendment is well within all of the numbers laid out in the Budget Act. That was the point I was trying to make.

Mr. GREGG. Madam President, would the Senator yield for a question?

Mr. VITTER. I will be happy to.

Mr. GREGG. It appears to be the Senator's position that since this budget point of order involves taking a discretionary program and making it an entitlement program that that is a technical point.

Mr. VITTER. That is not my——

Mr. GREGG. My position is that is not technical.

Mr. VITTER. If I could clarify and respond to the question, that is not my position at all. My position, which I think I laid out pretty clearly, is this amendment is well within all of the numbers within the budget. It does not bust those numbers. It does not go beyond those budget numbers. That is what I said, that is what I meant, and I believe to the extent the Senator did not argue the point, it is confirmed.

Mr. GREGG. Madam President, would the Senator from Louisiana yield for a question?

Mr. VITTER. I will be happy to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. The Senator from Louisiana appears to want to have it both ways, that the chairman of the Budget Committee has a right to make this point of order because the chairman of the Budget Committee is given that authority by the Senate in order to protect the integrity of the budget process, and when the chairman of the Budget Committee rises and asks a question which is the basis of his point of order, which is that this amendment takes a discretionary program and turns it into an entitlement program, and asks the Senator from Louisiana does he deem that to be a technical point, the Senator from Louisiana says, no, that is not my argument. My argument is something else.

Well, I would simply say to the Senator from Louisiana, he cannot have it both ways. He cannot say to the budget chairman he has the authority to do this and then say to the budget chairman, when he asks the Senator whether it is a technical point when the budget chairman elicits why he is doing it, that it is not a technical point.

It is a very unusual position to take, that moving a discretionary program to an entitlement program is a technical point, and that is the gravamen of the argument of the Senator from Louisiana.

Mr. VITTER. Reclaiming my time, I think I have laid out my position very clearly. This is a broad-based, bipartisan amendment. This is a fair amendment, particularly considering everything that these coastal producing States have given the country in terms of our energy security. Unfortunately, we are a very small number of States that have contributed in that way. This is designed to address a very real crisis in Louisiana and other coastal States. By the way, that is not some parochial problem. That is a national problem, as my colleague, the senior Senator from Louisiana, has outlined. It threatens national oil and gas infrastructure. It threatens national maritime commerce and ports. It threatens nationally significant fisheries.

Fourth, we are not opening new areas with this amendment. We are not providing incentives to open new areas with this amendment.

Fifth and finally, we are within all the numbers within the budget.

I thank the chairman of the committee. I thank Senator BINGAMAN and others. I thank my colleague, Senator LANDRIEU, for her leadership on this issue.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I rise in support of this amendment. I am a cosponsor of this amendment. It would dedicate funding for coastal impact assistance to States that currently produce oil and gas from the Federal OCS adjacent to State waters.

I have visited the coastal area near Louisiana with Senator LANDRIEU. I know of the very serious concerns which many in that State have about the loss of coastal wetlands caused by a variety of factors, including some activities related to the oil and gas development that has occurred there. Senator LANDRIEU has been a tireless advocate for her State on this issue and I know her colleague has as well.

It is important for my colleagues to know what the amendment does not do. The amendment does not modify any moratorium on OCS leasing. It does not provide an incentive for States to start production. It does not provide for a State opt-in or opt-out for resource assessment or leasing activities. What the amendment does is establish a coastal impact assistance program and provide a stream of revenues for coastal impact assistance to States that already have OCS production off their coast.

Under the amendment, funding would be made available to address the loss of coastal wetlands as well as for other projects and activities for the conservation, protection, and restoration of coastal areas, mitigation of damage for fish and wildlife and other natural resources, and implementation of federally approved marine coastal and conservation management plans.

In addition, up to a fixed percentage of the funding could be used for mitigation of the impact of OCS activities through funding of infrastructure projects. In other words, the amendment allows funding of certain infrastructure projects and public services, but the amount of funds that can be expended for those purposes is capped.

Before concluding, let me clarify one significant point. I support the amendment because it does provide dedicated funds from the Treasury for coastal impact assistance. The amendment does not provide a percentage of revenues or future revenues or otherwise call for revenuesharing from the Outer Continental Shelf. I have stated repeatedly my opposition to that idea. It is my view that the oil and gas resources in the OCS belong to the entire Nation, and the revenue-sharing arrangement, which was earlier discussed but is not part of this amendment, would run contrary to that principle.

In closing, I reiterate my support for this amendment. I hope my colleagues will join me in voting aye for the amendment and waiving the Budget Act, if necessary.

I yield the floor.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GREGG. I object.

The PRESIDING OFFICER. The Senator may not object to a quorum call. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I do not sense that the manager of the bill is on the floor, but I would be interested in knowing whether the Senators from Louisiana wish to enter into a time agreement so we can move to a vote on this point of order.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, it is my understanding there are other Members who have asked to be given a chance to speak, some in opposition to the amendment, perhaps some additional in favor. So we are not able to go to a vote at this point.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Did the Senator from Louisiana wish to respond to my time agreement? I was going to speak.

Ms. LANDRIEU. No. I am sorry. I am wondering if we could have some additional time. Did the Senator want to speak for a certain amount of time?

Mr. GREGG. I understand there is an objection. I believe I have the—do I have the floor?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GREGG. It is my understanding from the Democratic leader on the bill that there is an objection to any time agreement at this point so there is no point in even entering a discussion on that matter, I guess.

Madam President, I rise to address this issue as chairman of the Budget Committee. I begin with this rather unfortunate characterization that a budget point of order is a technical event around here.

Budget points of order are not technical events. In my humble opinion, they are rather important. I guess that is because I am chairman of the Budget Committee. We pass a budget and we say as a Congress and as a party specifically, because nobody on the other side of the aisle participated in passing the budget, that we are going to discipline our house, we are going to be fiscally responsible. In fact, the budget we passed was extremely disciplined. It limited nondefense discretionary spending to a zero increase over the next 3 years. For the first time in 7 years, it attempted to address entitlement spending because we see that as probably the most significant threat to our fiscal integrity as a nation.

It had very aggressive language in the area of enforcement. Certain accounts were set up, such as the reserve account which has been referred to, in order to make sure that dollars were spent appropriately and not whimsically or outside the purposes of the budget.

That budget passed. It was voted on. It passed by a couple of votes but with no Democratic support. However, it was the first budget to pass this Congress in 2 years and only the second time in 4 years did we actually get a budget out of the Congress. I think it is important that we look to the budget

for leadership, or at least for guideposts as to how we are going to function around here. To represent that points of order made under the budget might be technical is, to say the least, inconsistent with the purposes of the budget and the points of order under the budget.

There are a lot of points that have been raised in presenting this case. There have been substantive points and then there have been arguments that it is not outside the budget and therefore should be paid for.

Let me speak initially to the substantive points. I do respect the comments of the senior Senator from Louisiana, when she quite forthrightly stated that the problem that is being caused in Louisiana, relative to loss of frontage and land, is a function of the levying situation—which benefits the Nation. I do not deny that. I read the book ''Rising Tide'' and was amazed at the impact of that flood and know that the levee situation addresses that as well as commerce.

But here is the essential problem. I have reviewed this, briefly. I haven't reviewed it in depth, but I asked my people who are expert in this area, especially those who work in NOAA or have worked in NOAA, what causes this erosion. I agree with the Senator from Louisiana, the senior Senator, that the erosion is essentially being caused by the levees.

It is not a function of drilling offshore, and therefore there is no nexus here. Between drilling offshore and the need to restore, the conservation issues around the land that is being lost, there is no nexus. A scientific nexus does not exist. The issues are really independent of each other. How you fund the restoration of those shore lands is the issue at hand. But what I think is important is that, from a substantive policy debate purpose, the problem is not being caused by energy production, and the amendment, as proposed, has no relationship to energy production, and this is an Energy bill. In other words, this amendment does not create new production. This amendment does not create new renewables, and it does not create conservation.

This amendment conserves land, but the land that is being lost is not necessarily being impacted by energy production, or at least there is no scientific evidence to that effect that I can glean. It hasn't been presented, and I think the senior Senator from Louisiana made the case better than I could make it on that point. So there is not a relationship between what this amendment wants to gather money for and the Energy bill.

Second, I think it is important to note that this amendment uniquely benefits five States at the expense of the General Treasury. It essentially says those five States have a unique conservation issue which the General Treasury has an obligation to support over other States which have conservation issues.

There may be other places that have conservation issues which are probably directly related to the production of energy. I suspect West Virginia has some very serious conservation issues dealing with the production of coal. There is a pretty good nexus. But this amendment doesn't say we use general revenues, that we use the General Treasury to support that effort. No, it says five States have gathered together to take money out of the General Treasury for the purposes of addressing what they see as their conservation needs, which have no nexus of any significance that can be proven to the energy production.

Granted, those States do produce a lot of energy and that energy is a benefit to this country and I appreciate the fact that they do that. But New Hampshire produces more energy than we consume—a significant amount more than we consume—because we built a nuclear plant. I will tell you that produced some conservation issues. But we are not seeking a special fund, for which the taxpayers will have to pay, in order to take care of that issue that will be uniquely tied to New Hampshire.

Ms. LANDRIEU. Will the Senator yield?

Mr. GREGG. After I finish my comments, I will be happy to yield for a question.

The more appropriate approach here, if this is what the game plan is, is probably to fund something such as—use these moneys, if you are going to take money out of the General Treasury and set up an entitlement program for a few States—is to say that program should be for more than a few States. It should be for all the States that have impact from conservation. But I don't think we should be doing even that because I don't think we should be creating new entitlement programs, which is the gravamen of this case, creating a new entitlement program.

Louisiana already benefits rather uniquely—and I think this point should be made, and folks should focus on it a bit—from a variety of different funds which are generated by energy, which help them in the area, theoretically, of conservation. They get 100 percent of the royalties for the first 3 miles of drilling. Last year that was over $800 million. I think they get 27 percent of the rights for the next 3 miles, and last year that was about $38 million. What we are talking about are royalties beyond those areas, in Federal water—not State water; Federal taxpayers, Federal water.

Louisiana is already receiving a fair amount of money through the present royalty process. In addition, due to the creativity—I suspect the senior Senator from Louisiana was involved in this, and I know the prior Senator from Louisiana was involved in this—through their creativity, when Dingell-Johnson was reauthorized, they managed to get a dedicated stream of money for conservation land, and they are the only State in the country that has this; the only State that has a dedicated stream of money.

I congratulate them for their creativity, but I don't think they should get another dedicated stream of money. They already did it once. Why should they get it twice? Every time you start a lawnmower in this country, whether you start it in Louisiana or whether you start it in upstate New York or Montana or Washington or Oregon, every time you pull that cord and it doesn't start and you pull it again and you finally get it started, you are sending money to Louisiana.

Every time somebody in New Hampshire gets on a snowmobile, you are sending money to Louisiana. A lot of people don't get on snowmobiles in Louisiana, but in New Hampshire they do. But we are sending our dollars to Louisiana every time we take out a snowmobile. It is a dedicated stream. I think last year it was $767 million they received out of that fund, unique to Louisiana. I guess they thought it was such a good idea they would come back again: Let's get another dedicated stream of money. What the heck, if it worked once, why not try it twice?

The problem they have, of course, is that this time there is a budget point of order against it. So they have to convince 60 people that Louisiana should get this unique treatment, after Louisiana already gets 100 percent of the royalties from the 3-mile area, which is over $800 million; 27 percent of the royalties from 3 to 6 miles, which is about $38 million; and $71 million from Dingell-Johnson, which no other State gets in that dedicated stream.

Then they put it forward for a program which has no relationship to energy production. Interestingly enough, if you read the amendment, it appears that not only does it have no relationship to energy production but that the money could actually be spent on just about anything. It could probably go into the General Treasury of Louisiana. It basically will become a revenue-sharing event. It doesn't have to go to conservation. On page 14 it says:

> Mitigation of impacts of Outer Continental Shelf activities through the funding of onshore infrastructure projects and public service needs.

''Public service needs'' is a term that means you can fund anything. You could fund the fact that fishermen are not having a good year fishing or that the casino didn't have a good year of gambling or maybe, as we have seen occasionally in the past, that you wanted to build a Hooters in order to hold the shoreline in place. ''Public service needs'' is a pretty broad term, and I know there are some very creative people who, when they see language such as that, see Federal revenue sharing. Give me the dollars, I am going to spend it on whatever.

So this amendment not only does not have a nexus to energy, it doesn't even

necessarily have a nexus to conservation with that language in there. So it has some serious problems.

Those are a few of the substantive probleMs. There are obviously more. Just the issue of fairness is probably the biggest one.

But the bigger issue, of course, is the attack on the General Treasury. The representation that this is a technical event when you create an entitlement, to me, affronts the sensibility of fiscal responsibility. The creation of entitlements around here has become a game. What happens is the Appropriations Committee, of which I am a Member—and I honor my service there and appreciate my chance to serve on it—has given up massive amounts of spending responsibility to the entitlement side. Why? Because every time they create an entitlement to do something which is a discretionary program, it frees up money to spend on some other discretionary program. So it is a very attractive event, quite honestly, to create an entitlement for a discretionary program because that gives an appropriator freedom to spend the money that has just been freed up—again.

That is how you end up driving up Federal spending. Because suddenly you have taken money, for which there was going to have to be some prioritization because the Appropriations Committee would have had to say: If we spend ''X'' million here, we can't spend ''X'' million over there because we can't have it because we are subject to a budget cap. You take that money and put it over on the entitlement side so that money can be spent again.

That is why this is such an outrage as an approach, creating an entitlement. There is no way that, as budget chairman, in good conscience, I can allow this type of activity to go forward without being at least noticed—without at least putting up the red flag and saying: Hey, folks, this is highway robbery. This is a attempt to raid the Treasury, to stick it to the taxpayers twice.

That is why I raised the point of order. I will probably lose it because there is a log rolling exercise going on around here that is significant. But it doesn't mean I should not raise it; That is my job. That is what I am here for, I guess—temporarily, anyway.

So that is the essence of the problem. Substantively, this is not an energy issue. The State of Louisiana already has many revenue streams, including, ironically, unique revenue streams which they have been successful in the past in gaining. This would be an additional revenue stream which would be inappropriate to limit to five States because conservation is not a unique problem for Louisiana, and there are other States that actually have higher equity arguments relative to impacts from energy directly related to where the conservation dollars are going.

I am sure there are significant conservation issues in Louisiana relative to energy production, but the loss of this frontage doesn't appear to be one of them. And creating an entitlement where there was a discretionary program is just bad fiscal policy.

So that is the reason I will be making a point of order at the proper time. I am perfectly happy to go to that vote as soon as the parties wish to do so. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I wanted to briefly respond to each of the major points that the distinguished chairman of the Budget Committee has made because I believe, quite honestly and sincerely, he is misinformed about each of these points.

No. 1, the idea that there is no causal linkage between the problem, at least in Louisiana we are trying to address, and offshore oil and gas production: Nothing could be further from the truth. I am glad the distinguished Senator has read ''Rising Tide.'' But I suggest he needs to read a lot more and maybe come to Louisiana.

There are, of course, several causes that have all worked to create this coastal erosion problem, but one of the biggest has been all of the oil and gas service activity which comes off the swampy coast of Louisiana. All of that 50 years of activity has created channelization of our marshes. That has directly led to the intrusion of saltwater into the marshland, the loss of vegetation, which is the glue that holds it together, and this coastal erosion.

There is an absolute identifiable, scientifically proven, causal connection between offshore oil and gas activity and this coastal erosion problem. It is not speculative. It has been scientifically proven. Are there other contributing factors? Of course. Is levying of the Mississippi a significant factor? Of course. But there is a direct causal connection.

Point No. 2, the chairman has suggested there is no relation between this money and energy production. Again, nothing could be further from the truth. The amendment specifically states these States share in this fund in direct proportion to their Outer Continental Shelf energy production. The way to calculate how much each State gets is according to what activity, in meeting the Nation's energy needs, goes on off our coast. There is a direct connection between the calculation of the money and this activity. Again, a direct connection in terms of what money the States get directly dependent on what OCS oil and gas activity exists.

Point No. 3 causes me the most angst being from Louisiana, the notion that there is no justice to this amendment, or that this is somehow a rip-off to the advantage of Louisiana and other coastal States. Nothing could be further from the truth. We have worked 50 years to produce energy in this country. We are one of the only States in this country to have done this. The other States are also represented in this amendment. Yet we have gotten hardly anything for it and truly hardly anything for it in terms of direct revenue to the State.

States that have onshore mineral production or onshore oil and gas production on public land get a 50-percent royalty share. A State such as Louisiana that has this production offshore in the OCS gets less than 1 percent. Yes, there is a justice issue, but the justice issue is weighted in our favor.

I note two things, in particular, the distinguished Senator from New Hampshire mentioned. He talked about other conservation needs. What about the conservation needs brought about by coal activity in West Virginia? The chairman should note West Virginia gets a 50-percent royalty share that directly relates to that activity. Put us on par with West Virginia. We will take that; we will take 50 percent. The fact is this is a pittance compared to that.

Is there a justice problem? You bet there is. West Virginia produces coal, and that is great for the country, and they get a 50 percent royalty share. We produce oil and gas, and that is great for the country, and we get less than 1 percent. This is a justice issue, and all the justice arguments are in our favor.

The Senator also mentioned that Louisiana has a windfall because 3 miles off our coast is State waters. That is true. But the distinguished Senator from New Hampshire should note that for Texas, that seaward boundary is 9 miles. For Florida, that seaward boundary is 9 miles. Yet because of historical accidents and idiosyncracies, it is only 3 miles for Louisiana and Mississippi and Alabama. Everywhere else it is 9 miles or more. For Louisiana, Mississippi, Alabama, it is a third of that, about 3 miles.

You bet there is a justice issue. But, again, the injustice for 50 years and more has been against us. We are trying to correct that in a truly modest way with this amendment.

Fourth and finally is the budget point. I reiterate and am very specific and very clear: This amendment is wholly within the numbers built into that budget. As the chairman knows, built into the budget is a fund specifically dedicated to the Energy bill. This amendment is well within those numbers.

There are lots of things in the Energy bill that are mandatory spending. There are lots of tax provisions. There are lots of other provisions that basically can amount to mandatory spending. This is the same as that. There are lots of other things that are not subject to future decisions or future appropriation or other decisions. This is tantamount to that, and it is within the numbers built into the budget for the Energy bill. We have bent over backwards, worked very hard, to make sure that was the case.

I yield time to the senior Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER. There is no time.

The Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent to speak for 5 minutes since we have no timeline.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I appreciate so much the support we have on this amendment from both sides of the aisle. A great deal of thought has gone into this amendment. My colleague from Louisiana answered every single one of the objections raised against this amendment by the Senator from New Hampshire. I add just a few words.

First of all, the Senator has done a very good job as budget chairman. I have enjoyed working with the Senator on many issues, including the education reform issue and trying to move toward a balanced budget. I share his goals in so many ways.

He, of course, is a great advocate for his State, although he is somewhat critical of an act that we fondly, and in a very appreciative way, refer to as the Breaux Act in Louisiana. We take that in Louisiana as a great compliment when a Representative, a Senator or a Congressman, can use their committees to do something that is so warranted and so worthy and so necessary for a State. Senator Breaux served so ably in this Senate for many years. We refer to that act as the Breaux Act.

The Senator is correct, we get a relatively substantial amount of money, $50 million a year. It started out at $20 to $25 million and has gone up to $50 million. However, that is a drop in the bucket considering the money that Louisiana has generated for this Nation and for the Senator's general fund. There has been $155 billion generated since 1953. Last year alone, $5 billion came off the coast of Louisiana. That would not be possible without our State agreeing to lay the pipeline, drive the pipe, allow the trucks to come down our two-lane roads that go underwater even when it rains. Forget the storm and hurricanes. Five billion dollars last year.

If any State has contributed to the Federal Treasury anywhere near that amount with their resources, please, I would like to know. No other State, except the State of Wyoming, contributes more to energy independence than the State of Louisiana. Wyoming gets prize 1 and we get prize 2. I am speaking about all sources—nuclear, hydro, geothermal, wood, wind, waste, solar, oil, natural gas, and coal. All of it. The States of Wyoming, Louisiana, West Virginia, Alaska, New Mexico, Kentucky, Oklahoma, Montana, North Dakota, Colorado, and Utah, generate more energy in their State than they consume, more energy than their industries need, and we export it out. And we are happy to do it because we actually believe in our State what we say in the Senate, that we want to be energy independent.

These States are at the top of the chart for usage: California, New York, Ohio. There are others.

People say every State contributes what it can. Some produce sweet potatoes, some produce Irish potatoes, some States have beaches, some States have mountains. I understand that argument. That is what makes our Nation great. We all contribute to this great whole. But Louisiana contributes more than its share and it has since 1940.

Are we asking anybody else to do that? No. Are we trying to move moratoria? No. We are saying for the money we contribute—we understand the OCS does not belong to us; we do not claim it does—we are saying for the money we contribute, could we please have six-tenths of a percent. If it means an entitlement, let me say to the Senator, the people in Louisiana are entitled. They are entitled to the money we helped contribute to the general fund. I don't take that as an insult, I take it as a compliment to the people of my State. We are entitled to some small amount of money we are asking for. We are willing to share it with the States that did not produce nearly the amount we produce, but we are happy to do that. In fact, the Presiding Officer may remember we have had bills to try to share the money with everyone. No matter what we try, we can share with everyone, but it is never quite enough, never quite right.

We have it right this time because we probably have over 60 supporters of this amendment to give Louisiana and these coastal States a small share of the money that, yes, they are most certainly entitled to.

Second, in this bill, the use of this money will go to wetlands conservation and resources. There have been a lot of pictures shown of the coast. I will show one of my favorites because this is what our coast looks like. This is what we are trying to keep healthy, a place where wildlife can flourish. A lot of people live near marshes like this. When they open their kitchen windows, they do not see interstates or big highways, they see this marsh.

If you live near the Atchafalaya and you open your back windows, you will see a beautiful cypress forest. Most are gone in North America, but we are fortunate to have some in Louisiana we are trying to preserve. If you go out near Lake Maurepas around Lake Pontchartrain, this is what you see when the sun sets in the evening.

I am tired of people coming to the Senate and putting up pictures of pelicans with oil all over them. We are wise people. We are an industrious people. We are a people who care about our environment. We have cared about it for hundreds of years. And we continue to try to save it.

The Senator from New Hampshire can most certainly appreciate how much we love our State because he loves his, and how smart the people in Louisiana are to use the resources appropriately, the Senator would understand that these are some of the extraordinarily beautiful places that we are trying to save.

There is a delta that is growing in Louisiana. It is the Atchafalaya Delta. And because of its natural beauty and because the water continues to flow and because of the good technologies our great universities have contributed to understanding the ecology of a delta—there is no delta in New Hampshire, I don't believe. The last time I checked there wasn't one, but there is a big one in Louisiana, the seventh largest delta in the world. It is a growing delta. If you looked on a map from the satellite, you could see there is land growing off the coast of Louisiana. We are proud that this Atchafalaya Delta is growing. We are preserving it. The State is spending millions of dollars to buy this land and preserve it.

Any argument in the Senate that the people of Louisiana are sitting around twiddling their thumbs, not smart enough to figure this out, is an insult. I don't think that is what the Senator meant, but sometimes people in Louisiana hear words in the Senate that lead them to believe that might be the conclusion. I am certain that is not what he meant.

We have every intention of using this money to preserve these wetlands, to make the place that we have lived for over 300, 400 years more beautiful, and most importantly to make it secure for the future. As this marsh goes away, it threatens not only the life and livelihood and investments of the 2 million people who happen to live there and the 1 million people who live on the coast of Mississippi—because this marsh land protects them, as well—it also puts at risk billions and billions of dollars of infrastructure that the oil and gas industry has invested for the benefit of every single solitary American, whether they live in New Hampshire, Maine, Illinois, California, or Florida.

The Senator from Louisiana and I have made our points very well. We appreciate the work of the Senator from New Hampshire and his work on the budget. We understand he has a tough job. But we have a job to do, as well. That job is to get six-tenths of 1 percent of the money that we generate for this Nation without bellyaching about it, without complaining about it. We have patiently and consistently asked for some fair share.

Yes, Senator Breaux was quite successful in managing a small amount of money, but the tab that we have, the Corps of Engineers has helped us to appreciate. The tab that we have to pick up right now in our 20/50 plan is estimated to be $14 billion.

So am I to believe the Senator from New Hampshire expects the 4.5 million people in Louisiana to pick up the tab—$14 billion—to fix the wetlands that is not ours but belongs to everyone, that we did not destroy but the

Mississippi River leveeing destroyed, and put taxes on us to do this? I do not think he would suggest that.

This is a partnership we ask for. We will do our part. The Federal Government should do its part. We are going to continue to press this issue. I am pleased to be able to answer some of those questions and concerns.

Finally, this is a picture of the wetlands itself from a satellite view. This is Louisiana's coast. It is very different from Florida, very different from California. As I said, most people have never quite seen it because there are only two places you can get to. One is Grand Isle, which is shown right here, that tiny, little place. It is a beautiful little island, but it keeps getting battered by the hurricanes that continue to come. And Holly Beach is somewhere right around here on the map. It is too small to see on the map.

There are only two roads you can get to. No one can see our coast unless you are one of the thousands of fishermen who come fish and tie their boats up next to the rigs. They actually fish next to the oil and gas rigs. That is where the best fishing is in the Gulf of Mexico. So unless you are one of those fishermen, or one of the trappers who have trapped here—for hundreds of years families have trapped here—you would not know where this is or what it looks like. But we do because we represent this State.

We are losing this land and must find a way to save it.

This amendment is a beginning. My colleagues have been so patient. Our colleagues have been so helpful. Chairman DOMENICI and Ranking Member BINGAMAN have seen this land.

Again, as my partner from Louisiana said—and I am going to wrap up in a moment—this does not open moratoria. It is not an opt-out or opt-in amendment. It is simply a revenue-sharing amendment. We believe the people of Louisiana and Mississippi and Texas and California and Alaska and Alabama are entitled to some of the money, a small amount of money they are contributing to the general fund that helps us keep our taxes low and funding projects all over the Nation.

Mr. President, 30 more seconds. The Senators have been so patient, but I want to say this one response.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. When the Senator says no other States share the revenues, that is inaccurate. I know he is aware that interior States share 50 percent of their revenues from Federal land in their States. Louisiana does not have a lot of Federal lands. Texas has very little Federal land. Mississippi does not have much Federal land. Most of that is in the West. We are different. We are not the West. We are the South, although Texas could claim to be both. But Louisiana and Mississippi are Southern States. We do not have a lot of Federal land. What we do have is a lot of land right off of here, as shown on the chart, that belongs to the Federal Government. But the Federal Government could not get to it unless we allowed pipelines. There are 20,000 miles of pipelines put under this south Louisiana territory to go all over the country, to keep our lights on and our industries running.

So again, there is revenuesharing. We would like our share. This is going to go for a good cause, for the preservation of an extraordinary marsh. It is time for us to make this decision today for Louisiana and the coastal States.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the forthrightness of the Senator from Louisiana. She has made my case. She says it is revenuesharing. I agree with her. She says it is an entitlement. I agree with her. She says they want their share. I agree that is what this plan would do. It would create a new entitlement. It would take money from the general fund and send it to Louisiana.

Fifty-four percent of the money under this amendment goes to Louisiana. The amendment started out as a $200 million a year amendment. Now it is up to $250 million a year, which would mean Louisiana would get about $135 million.

The issue of whether it violates the budget is obvious. It does. And the issue of whether it is technical is obvious. It is not technical. It would create a new entitlement. And it is certainly not technical to say five States should have a unique role in conservation revenues from the Federal general treasury, that they should have a unique right to that as compared to other States which have equal arguments of equity relative to conservation.

So it is very hard to understand—well, no, it is not hard to understand. The Senator from Louisiana made the case. They want their share, they want revenuesharing, and they want an entitlement. That is what they are going after here. It is a grab at the Federal Treasury. Maybe they will be successful at it. But before they do that, they are going to have to at least overcome a point of order and vote to disregard the budget.

At this point, I do make that point of order. Mr. President, this additional spending in this amendment would cause the underlying bill to exceed the committee's section 302(a) allocation; and, therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I move to waive the applicable sections of the Budget Act with respect to this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I think the fact that this budget point of order has to be waived makes the case there is a budget point of order that lies. It is not an insignificant point of order when it involves creating a new entitlement.

Mr. President, I yield the floor. I would be happy to vote on this now, but I understand the other side has reservations about voting now. But it is fine with me to go to a vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, let me say to the Senator from New Hampshire——

Mr. GREGG. Can I get the yeas and nays on the motion to waive?

Mr. DOMENICI. Of course.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I say to the Senator from New Hampshire, of course, this motion is debatable, as the Senator knows. We do not want to take a lot of time, and we do not want them to take a lot of time. But we have objection to proceeding from the other side, so we are going to be here a while. Sooner or later we will vote, even if it is at the end of 30 hours. Everybody should know that. So whoever is delaying this, all the other amendments are waiting.

Mr. GREGG. Mr. President, I leave it to the good offices of the chairman of the committee, who is an exceptional floor leader, to tell me when he wants to have a vote.

Mr. DOMENICI. I say to the Senator, you should know that at some point I am going to take 3 minutes to explain my version of the budget.

Mr. GREGG. I look forward to that.

Mr. DOMENICI. You do not have to be here, but I want you to know that so you don't think I am doing it without your knowledge. I will not take more than 3 minutes explaining what I think it says. All right.

I yield the floor.

Mr. CORZINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. The pending business is the amendment offered by Senators Landrieu, Domenici, Vitter, and others with regard to the offshore royalty.

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. Mr. President, I believe there are some negotiations going on on other issues. My intent is to speak strictly on this amendment, and then I would be glad to put a quorum back in place if there is not another Senator waiting to speak.

To me, this amendment is about energy production, but it is also about basic fairness. I am not going to argue at this point with those who are opposed to oil and gas drilling in various and sundry places. I personally think we should drill where the oil, where the gas is. I know that is a novel idea. I do believe we need a national energy policy that is broad, that will have more production of oil and gas and clean coal technology and hydropower and nuclear power and LNG plants and conservation and alternative fuels—the whole package.

I am glad we appear to be getting to the end of this debate and amendment process and hopefully will produce a bill that passes overwhelmingly and will get into conference and will come up with a bill that can be passed. We need to do it for the country.

This legislation is about national security, and it is about economic security. If we don't deal with the problems of energy needs, if we don't become less dependent on foreign imported oil, the day will come when we are going to have a problem. Just remember, those troops in Iraq and Afghanistan and around the world, those sailors steaming in ships, those tanks, those planes, it takes fuel to run them. So it is about national security.

We are an energy-driven economy. We need this diversity. We need more production, more independence. I believe we should open more areas than we are prepared to do apparently. But the fact is, in my part of the country and the Gulf of Mexico, we have been prepared to have an energy policy. We have been prepared to have the oil and gas industries and refineries and nuclear plants and LNG plants. We are prepared to do what is necessary not just for our own people and for the financial benefit of our own but, frankly, for the whole country.

We are prepared to produce fuels and oil and gas and other fuels. We are prepared to refine it and share it with the rest of the country. We are prepared to wheel our power to other parts of the country because we have been willing to take the risks. We are willing to build utility plants.

Other parts of the country don't want to drill. They don't want coal. They don't want nuclear power. They don't want hydropower. They don't want utility plants. They want nothing. But they want to flip the switch and have the lights come on. They want to get in their SUVs and drive off into the sunset. I resent that hypocrisy, quite frankly, but that is the way it is.

All we are saying is, in our area—Texas, Louisiana, Mississippi, Alabama—we have been willing to do what needs to be done, the right thing for our region, for our people, and for our country. So we have oil and gas off the coast. I haven't had a problem with it. I live on the Gulf of Mexico. When I get up in the morning and look out the window, I am looking at the gulf. I am looking at the pelicans that now are plentiful. I am sure they are coming from Louisiana. When I look at ships going and coming, I am looking at oil tankers, smaller tankers that are lightering oil from bigger tankers. I can remember sitting on my front porch and looking at a natural gas well being flared late at night. It wasn't ugly. It was really quite pretty. But there are risks that go with this.

Particularly in Louisiana, they have paid some prices for what we have done. We levied the Mississippi River, the big and mighty Mississippi River, to keep it from overflowing year after year. That has affected their wetlands because now you don't have that overflow that goes particularly west of the river that puts sediment out there. The levees send it right on out into the gulf. Now we are concerned about dead zones. We are concerned about the impact on salinity. We are concerned about the fisheries in the gulf, the shellfish and others.

We have had to oil drill. In some areas of our region, that has led to some channelization. When you are taking things from under the Earth, I think it has an effect on elevation in certain areas, wetlands areas in particular, estuaries.

You might say: Wait a minute. You get the benefit of the business. Some, yes, I don't deny that. It does create some jobs—some good-paying jobs, some dangerous jobs. It does, though, create a lot of activity for which we have to provide services—roads, harbors. Some of the big companies in the Gulf of Mexico drill off of our coast of Mississippi, but they don't do business there, not in my State. They don't really even hire that many employees. So there is some good from this, but there is some risk and some bad things.

Other parts of the country, when you drill in their States, they get 50 percent of the royalties, and we get an infinitesimal 1 percent plus some benefits within, I guess, the 6-mile limits of the State. But that money coming out of the gulf goes into the deep dark hole of the Federal Treasury. A lot of it goes into land and water conservation for other parts of the States.

Other States are saying: We don't want you to drill or produce or build utility plants in our area. And by the way, we don't want you folks down there who are doing the job and taking the risk to get any of that money. We want that money to come up to the Federal Treasury and come to our States.

Now we are accused of trying to bust the budget. No, we are trying to get a fair share. It is not big money in my State, but it would make a huge difference. When you come from a small 2.8 million-population State with a history of poverty and needs, even though we are making some progress now—we are not 50th or 49th or 48th on most lists; we are moving up the line, creating more jobs, more businesses, better education, better roads—we have other problems. We do have wetlands that are being disturbed or destroyed. We are losing some land, as they are in Louisiana. We do have some environmentally sensitive and some historic sites we need to preserve, protect, and improve. We need some help. We are prepared to do the dirty work. We are prepared to take the risks. We are prepared to do the right thing and share it with America. But we do think we should get a little bit of the return on the royalties that go right through our hands to the rest of America.

This is not a great money grab by Louisiana or Texas, Alabama. This is a way that we can get some help from things that we are producing, some benefit that will help our people and preserve the areas we live in and love. We are accused of being insensitive to the environment and to conservation. Well, this will give us a way to do something about it. Quite often, we don't do what we need to do because we cannot afford it; we do not have the money. I plead with my colleagues from all parts of the country: Look at what we are doing. Look at what problems we are coping with, and look at what we will do with this small amount of money.

By the way, the budget allowed $2 billion in this energy area for us to make some decisions on. Yes, it can be objected to on a point of order at the committee or on the floor or out of conference. But there was money allowed, and this amendment gets well within that number. I think this is a questionable budget point of order, although I don't dispute that the chairman has that authority. I want him to have that authority. Chairman JUDD GREGG is doing his job. I am not mad at him. I told him I hope he will do his job and I hope he will do it for effect, but don't get mad about it. If anybody should get mad, the Senators from Louisiana and the Texans should get mad, and the Mississippians, too.

I support this amendment. I plead with my colleagues, let us have a little bit to help ourselves, and we will in turn help the country.

Ms. LANDRIEU. Mr. President, will the Senator yield for a question?

Mr. LOTT. I yield to the Senator from Louisiana.

Ms. LANDRIEU. The Senator from Mississippi has made such excellent points, and we appreciate his comments and support. The Senator may want to express for a moment the terror that reigned south Louisiana, Mississippi, and Florida last hurricane season with the unusual number of storms

that came up through the Gulf of Mexico and how frightening it is to people on the coast when these wetlands continue to disappear. The intensity of those storms gets greater and greater, and the damage to property and the threat to life is fairly serious.

As a Senator who lives on the Gulf of Mexico, maybe just a word to talk about what happened to our States last hurricane season.

Mr. LOTT. Mr. President, we have great fear that some day, one of those hurricanes will go right up the mouth of the Mississippi River and inundate New Orleans. When Hurricane Ivan was coming through the gulf last year, when it got to the hundred-mile marker, it was headed for my front porch. Then it veered to the east and missed us by about 90 miles and did a lot of damage.

What can we do about that? First of all, you have to have evacuation routes. We need more money for roads to allow the people to get out of there. The best buffer against the damage is the wetlands, the protective barrier islands, protective areas. The only reason my house hasn't been wiped out is because we have a seawall in front of my house, and we are up on a relatively high point. My house is 11 feet up off the ground, what we call an old Creole house.

It survived hurricanes for 150 years. But these estuaries, these areas outside the main area in which we live, are critical because once that high wind and water hits that area, it begins to lose its strength. If we keep losing land into the gulf, across the Gulf of Mexico, the hurricane damage—even though the violence may not increase, the damage will really increase. This is just one aspect.

By the way, we have to be prepared to get people off these oil rigs and out of the Gulf of Mexico. We have to have infrastructure to do that. This will help us achieve that goal.

I yield to my colleague from Mississippi.

Mr. COCHRAN. Mr. President, I appreciate the Senator's remarks. I assure him that I support everything he has said, and I agree it is now time for us to recognize that the initiative of the Senators from Louisiana, Senator VITTER and Senator LANDRIEU, and others, including my colleague from Mississippi, deserves to be supported. It deserves our support.

I understand the question about the budget, but I am reminded about an appeal that I had to defend one time in the Supreme Court of the State of Mississippi. The lawyer on the other side started off his brief he filed with the supreme court, and he said that this is a classic example of a claim not being paid on the basis of a mere technicality. Well, of course, there was a lot more to it than just that. The technicality was a real impediment to the appeal being filed by my opponent in that case. But I was reminded of that when I was walking over here. This is an issue that could go either way, in terms of the point of order and the provisions of the Budget Act. The Senator has made that point, and I congratulate him for doing that.

We are not quarreling with the fact that you can make a point of order, but you should not as a matter of the overriding national interest. It is a national interest; the integrity of the Gulf Coast States are at risk. We have before us a solution to the problem, and it is in the national interest that we support it. That is the argument that is being made to the Senate right now. So however this vote is couched, in terms of a motion to waive the Budget Act or on the validity of the point of order, I hope the Senate will come down on the side of the gulf coast Senators who are trying to solve a problem that is in the national interest. We ought to recognize that and vote that way on this issue.

Mr. LOTT. I thank my colleague from Mississippi for his comments and his knowledge of the issue and the procedures we are dealing with. It is a great comfort to have him here.

One final point before I yield the floor. I thank Senator DOMENICI and Senator BINGAMAN for working with the Senators who are sponsoring this legislation to try to help us find a way to make this effort, to get it at a level that would be helpful to us that would not be a budget buster, that would comply with the amount of money that was allowed in the budget resolution. So I commend Senators VITTER and LANDRIEU, and I hope we will be able to get this provision approved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, on behalf of the people of Utah, I thank the managers of this Omnibus Energy bill for their leadership in producing a comprehensive and broadly supported proposal.

If the American people think bipartisanship is dead in Congress, they should look at this bill and how it is being managed on the floor these past 2 weeks.

On behalf of the people of Utah, I want to thank the managers of this Omnibus Energy bill for their leadership in producing such a comprehensive and broadly supported proposal.

If the American people think that bipartisanship is dead in Congress, they should take a look at this bill, and how it is being managed on the floor these 2 weeks.

I must commend the leadership of Chairmen DOMENICI and GRASSLEY, and their Democratic counterparts, Senators BINGAMAN and BAUCUS as the Senate considers this critically important piece of legislation.

In addition, I want to thank Chairman GRASSLEY and Senator BAUCUS for working so closely with me on the energy tax incentive package, now part of the Omnibus Energy bill.

In particular, this bill includes a number of provisions of great importance to Utahns, provisions I authored. These include my CLEAR Act, which promotes alternatives in the transportation sector, my Gas Price Reduction through Increased Refinery Capacity Act, and my proposal to improve the treatment of geothermal powerplants. All were included in the energy package.

I am also grateful to the leaders of the Energy Committee, Chairman DOMENICI and Senator BINGAMAN, for agreeing to include the major provisions of another bill of keen interest to Utahns, my bill, the Oil Shale and Tar Sands Promotion Act, S.1111, which was cosponsored by Senators BENNETT and ALLARD.

Our bill would promote development of the largest untapped resource of hydrocarbons in the world. There is more recoverable oil in the oil shale and oil sands of Utah, Colorado, and Wyoming than in the entire Middle East.

The chairman and his staff have done yeomen's work to successfully strike a compromise on S. 1111 that is agreeable to all sides and that can be accepted into this bill. I thank both leaders for that effort.

And finally, I thank them for including my bill, S. 53, in the Energy bill. S. 53 would amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sands and a lease for oil and gas, thus freeing up a new resource of natural gas in our Nation.

Now, I would like to turn to the Hatch-Bennett amendment on high level nuclear waste, which we filed in an effort to bring some focus to our Nation's policy for handling spent nuclear fuel.

In my hand is an article from yesterday's Washington Post.

The headline reads, ''Bush Calls for More Nuclear Power Plants.'' And the article begins: ''President Bush called today for a new wave of nuclear power plant construction as he promoted an energy policy that he wants to see enacted in a bill now making its way through Congress.''

The President is calling for a robust nuclear power strategy, and his reasons are clear: nuclear power is clean and safe, and there is an abundant supply of cheap uranium in Northern America.

But my question is, ''What are we going to do with all the waste?''

We cannot have a nuclear power strategy until we know what to do with all the spent nuclear fuel.

And what is becoming quickly apparent to me and to the people of Utah is that we do not have a coherent national nuclear waste policy. Until we do, we are putting the cart before of the horse.

For years, I have supported sending this high level nuclear waste to the desert of Nevada.

To be honest, it has never been an easy vote for me, because it was against the wishes of my friends and colleagues from that State. However, it

has been our national policy for more than two decades to build a site at Yucca Mountain, a safe, remote location, where spent fuel could be taken over by the Federal Government and buried deep beneath the desert.

Even though Utah does not use or produce nuclear power, I have recognized the need to have a nuclear power program in the U.S. that relies on a plan to safely handle our waste. In other words, we need a strong nuclear waste program.

Here is a picture of the desert area where Yucca Mountain actually is. You can see it is desolate and out in the middle of nowhere.

Unfortunately, a few nuclear power utilities are attempting to hijack our Nation's nuclear waste strategy by joining forces to build an away-from-reactor, aboveground storage site for one-half of our Nation's high level nuclear waste on a tiny Indian reservation in Tooele, UT.

Even more unfortunate is that the only tribe they could con into taking this waste was the Skull Valley Band of the Goshutes, whose small reservation just happens to sit on one of the most dangerous sites you could imagine for storing high level nuclear waste.

The Skull Valley reservation is directly adjacent to the Air Force's Utah Test and Training Range and Dugway Proving Grounds where live ordnance is used.

Here is an illustration of an F–16 that flies regularly in this area.

This location proposed for the aboveground storage of half of our nuclear waste sits directly under the flight path of 7,000 low altitude F–16 flights every year.

Even if this area were truly remote from all civilization, which it is not, its location alone should disqualify it for the storage of even one cask of high level nuclear waste. But that's the problem with allowing private intrests to establish our nuclear waste strategy, economics can get in the way of reason and safety.

Mr. President, 80 percent of Utah's population sits within 50 miles of the Skull Valley reservation.

Represented on this picture are the type of communities we have near that place.

As a crow flies, Skull Valley is less than 15 miles away from Tooele City, one of the fastest growing cities in Utah, which is becoming a major suburb of Salt lake City.

Skull Valley is only about 30 miles from the Salt Lake City International Airport. And let us not forget that many of the families of the Skull Valley Band live right on the reservation, and half, if not more, of them are against this. These families face, by far, the greatest risk.

When this group of utilities, known as Private Fuel Storage, or PFS, applied for a license from the Nuclear Regulatory Commission, the Commission's three judge Atomic Licensing Board ruled that the threat of a crash from an F–16 was too great to allow a license for the proposed facility. Not letting science get in its way, PFS came back later after two of the three judges were replaced with new ones, this time making a different pitch even though all the facts remained the same.

As a result, the two new judges ruled, in a two-to-one decision, that the risk of a crash from an F–16 was low enough to allow the license.

One has to wonder who in the world would allow the license for a small tribe in this area with this type of danger. The trustee I don't think could possibly do that. Nevertheless, they ignored the prior commission and went ahead and did it.

However, Judge Peter Lam, the senior member of the panel, and its only nuclear engineer, gave a very strong dissent. I would like to quote from Judge Lam's dissent:

> The proposed PFS facility does not currently have a demonstrated adequate safety margin against accidental aircraft crashes. . . . This lack of an adequate safety margin is a direct manifestation of the fundamentally difficult situation of the proposed PFS site: 4,000 spent fuel storage casks sitting in the flight corridor of some 7,000 F–16 flights a year.

Judge Lam also cited the inadequacy of the new methodology used to determine that the site would be safe.

He writes:

> In this current proceeding, the Applicant has performed an extensive probability analysis and a structural analysis to rehabilitate its license application. As explained below, the Applicant's probability and structural analyses both suffer from major uncertainties. These uncertainties fundamentally undermine the validity of the analyses.

Mr. President, with 7,000 F–16 flights every year, one can imagine that emergency landings are not uncommon at the training range, and I am unhappy to report that crash landings are not rare, either.

In the last 20 years, there have been 70 F–16 crashes at the Utah Test and Training Range, and a number of these crashes have occurred well outside the boundaries of the training range.

I have found it baffling that the Final EIS for the Skull Valley plan does not require PFS to have any onsite means to handle damaged or breached casks. Rather, the NRC staff concluded the risk of a cask breach is so minimal that they did not have to consider such a scenario in their EIS. I find this conclusion dubious and dangerous in light of the facts relating to F–16 overflights.

In his dissent, Judge Lam refers to the threat of accidental aircraft accidents. He doesn't even go into the possibility of terrorists. Since the events of September 11, we have learned that one of our Nation's most serious threats may come in the form of deliberate suicide air attacks. It would seem inconceivable that a Government entity would consider giving their endorsement of the PFS plan without thoroughly taking into account the added terrorist threat our Nation now faces.

Yet the Nuclear Regulatory Commission has refused to reopen the Environmental Impact Statement to consider this new threat, even though post-9–11 studies have been completed at all other facilities licensed by the NRC.

It is apparent they just want to dump this stuff somewhere. I have to say, if this continues, I am certainly going to do some reconsidering myself.

I found this especially troubling since the NRC has never granted a license for the storage of more than about 60 casks, but the Skull Valley site will hold up to 4,000 casks of this waste.

I want my colleagues to understand that not only is the size of the PFS proposal a gigantic precedent, but issuing itself a license for a private away-from-reactor storage site has never been done and runs counter to the Nuclear Waste Policy Act which clearly limits the NRC to license storage sites only at Federal facilities or onsite at nuclear powerplants.

Former Secretary of Energy Abraham stated publicly he shares our interpretation. In a letter to members of the Utah congressional delegation, Secretary Abraham issued a policy statement that barred any DOE reimbursement funds from being used in relation to the Skull Valley site. This would include industry members who would lease space at the site. He said:

> Because the PFS/Goshute facility in Utah would be constructed and operated outside the scope of the [Nuclear Waste Policy] Act, the Department will not fund or otherwise provide financial assistance for PFS, nor can we monitor the safety precautions the private facility may install.

My amendment is compatible with the policy outlined by Secretary Abraham in his letter. It would ban the transportation of high level nuclear waste to private away-from-reactor waste sites and calls for a study to the feasibility of storing spent fuel either at Department of Energy facilities or of the Department taking possession of the spent fuel onsite at nuclear reactors.

My amendment calls also for a study of reprocessing spent nuclear fuel for future use.

Let me state the obvious for the record. The PFS plan is vehemently opposed by the entire Utah congressional delegation, Gov. Jon Huntsman, former Gov. Michael Leavitt, and an overwhelming majority of Utahans. In fact, virtually everybody in Utah. A large portion of the 70-member Goshute Band is strongly opposed to the proposal. We believe a majority of them are, but there is some indication of fraud in their elections out there.

Furthermore, the leader of the band, Leon Bear, has pleaded guilty to a Federal indictment. It is notable that every other tribal government in Utah has come out flatly against it. How could any trustee for the Indians allow something like that to be?

Utahns are well aware of the points I have made today. Because of the risks we face associated with the PFS proposal, we know better than any that our Nation's nuclear waste policy is broken. It was with good reason that our Nation's nuclear waste strategy has been built around the expectation that the Federal Government, namely the Department of Energy, would take possession of spent nuclear fuel rods. What better example do we need than the PFS plan to see why private industry should not be allowed to develop and implement our Nation's nuclear waste strategy.

Think about it. PFS is a shell corporation. If anything went wrong, Utah is going to eat it. That is all there is to it. It is ridiculous.

I understand why our colleagues from Nevada oppose the Yucca Mountain site. I am getting more and more understanding of that as I go along. But if they are concerned about waste at Yucca Mountain, they should be exponentially more concerned over the PFS site which is so flawed as to be inherently dangerous, extremely dangerous.

In closing, let me drive home one point. Our President has called for a dramatic increase in our Nation's capacity to generate nuclear power. As Congress considers that proposal, I ask, Should any increase we might authorize rest on a nuclear waste policy established by the Federal Government or should that policymaking rest with a couple of private companies that are driven by profit?

Do we want the Federal Government to take possession of our high level nuclear waste or is our national waste policy to allow private companies to control the transport, storage, and security of this waste? And with shell corporations at that. If that is to be our policy, then I need to inform our colleagues that our Nation's nuclear power strategy is a house built on sand.

Let me summarize my remarks. We Utahns are adamantly opposed to the storage of spent nuclear fuel at the Skull Valley reservation. The current site that has been selected by a consortium made up of eight utilities has several fatal flaws, including the fact that it contemplates a facility that is, one, located fewer than 50 miles from the Salt Lake Valley where 80 percent of our fellow Utahans live; two, directly under the Utah Test and Training Range where roughly 7,000 low-altitude F–16 training flights take place each year, many with live ordnance, and over a range where 70 crashes have taken place already; and three, on the small Skull Valley Goshute Indian reservation where about 40 of the band's 120 total members reside—only 40. Moreover, the Skull Valley Band's leadership is in question. Leon Bear, the band's current chairman, has been accused by his colleagues of disregarding a vote of no confidence. In addition, Mr. Bear recently pleaded guilty to Federal criminal charges and is awaiting sentencing relating to his management of tribal financial resources.

I would like to know if my friend, the chairman of the Senate Energy Committee, believes that storing spent nuclear fuel on a privately run and privately owned offsite facility, such as the Skull Valley reservation in Utah, is a component of our national nuclear waste policy.

Mr. DOMENICI. Mr. President, in response to that question, I would say that our national policy for handling high level nuclear waste is to store it at the proposed DOE site at Yucca Mountain. I don't know whether the Skull Valley site will receive the regulatory approval it needs. That is not my decision. However, in my view, our focus should remain on a solution that puts this waste directly in the hands of the Federal Government.

Mr. HATCH. Mr. President, I thank the chairman for that clarification.

I again thank the leaders of this bill who have done such a great job in bringing both sides together to pass what will be one of the most important energy bills in the history of the world. It certainly is going to do a lot for our country if we will continue to follow this through conference and get it back for final passage. It is long overdue.

I know it has been an ordeal for Senator DOMENICI in particular and others as well. I pay my tribute to them for the hard work they have done.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Virginia.

AMENDMENT NO. 891

Mr. ALLEN. Mr. President, I rise to speak in favor of this Energy bill and in particular the amendment that is primarily sponsored by Senators DOMENICI, BINGAMAN, LANDRIEU, VITTER, and others.

First, I thank Chairman DOMENICI and Ranking Member BINGAMAN for their skillful leadership, their dedication, their patience, and everything they have done to craft a bipartisan bill. It is a bipartisan energy policy that I believe encourages, incents, provides us, as a country, with clean and affordable energy in a growing and obviously more secure economy.

We have made significant progress so far on this measure. I look forward to passage of this bill in the Senate so we can get a final measure passed before the summer recess.

This bill is important for three salient reasons: No. 1, the security of this country; No. 2, jobs in this country; and No. 3, the competitiveness of the United States of America.

As far as security and energy independence, we must become less reliant on foreign sources of oil and natural gas from unstable, unreliable places in the world.

Second, as far as jobs are concerned, this measure, when passed, will save jobs. Hundreds of thousands of jobs will be saved and hundreds of thousands of jobs in a variety of ways will be created—new jobs. It is important for saving jobs especially in the areas where there is manufacturing of chemicals, fertilizers, plastics, forestry products, and even tires. All of those can be manufactured anywhere in the world, but we have a high-intensity need for clean burning natural gas right here in America. And jobs will be saved if we produce it here within our own borders.

We are supporting new technologies for the production of electricity using clean coal technology—where we are embracing the advances of technology to utilize an abundant resource, coal—we are the Saudi Arabia of the world in coal, and we ought to be using it, as well as new technologies for clean nuclear power generation. That is where jobs matter.

As far as competitiveness, there is not a person here, not a person in this country, whether it is driving to school, driving to work, operating a business, and it could be the highest, most technologically advanced business, that doesn't need electricity. Everything we consume goes by rail, truck, air, or a combination thereof before it gets to the store or to our homes or to our places of business. This bill is essential for lower gasoline and diesel costs for transport of these products.

We need to have an affordable energy source for our economy, for jobs, and the competitiveness of our country in the future because many of these jobs can be put anywhere in the world. In addition to proper tax policies, reasonable regulatory policies, less litigation, and the embracing of innovations, an energy policy for this country is long overdue.

With regard to competitiveness, I was Governor at one time. We would always try to get businesses to locate in the Commonwealth of Virginia. We succeeded. The businesses looked at the cost of operations in different States. They looked at what the cost was; what is the regulatory burden; do you have a right-to-work law, which we did; what is the cost of health care. They cared about transportation, but they also looked at the cost of doing business with electricity. We would have a report to top management in New York City, and we would compare our electricity rates in Virginia to those in the New York City area. Virginia's electricity rates, compared to those, looked as though they were almost free. That was an attribute, a strong selling point for businesses to come to the Commonwealth of Virginia. These same principles apply to the entire United States of America.

Let's look at natural gas. Natural gas, that wonderful clean burning fuel, is in many places around the world, in many strong economies around the world. We would certainly want to be able to match other countries in the cost of producing this clean burning fuel, whether for our homes, but also for manufacturers. It is not just the chemical and fertilizer manufacturers, it is the farmers who have to pay these

higher prices, and when farmers have to pay higher prices to run their tractors or to fertilize their fields, that means the cost of food goes up, which affects us all in that way as well.

Look at our prices—and these prices are from February, and prices of natural gas have gone up in this country since this report. In the United States of America, we are over $7 for 1 million Btus of natural gas and it is rising.

Take the United Kingdom, Great Britain. It is $5.15. Turkey is only $2.65. Ukraine is $1.70. Russia is less than a dollar per 1 million Btus. You say, well, we are not competing with them. Who are we competing with then? We are competing with them, as well as with South America. Look at the prices of natural gas in South American countries: $1.50 in Argentina compared to over $7 in the United States. In North Africa, it is less than a dollar.

What about real competition we are facing in the loss of manufacturing jobs to India and to China? China and India are increasing in their economies and, of course, demand for oil, natural gas, coal and other fuels is going up, too, exacerbating the prices. We see China now trying to buy up our gasoline companies, specifically Unocal. For our national security, it's important that we have a comprehensive review of the types of investments State owned Chinese companies are making in international and U.S. based energy resources.

Even there, where China has this booming economy, their price is $4.50 compared to us. The same with Japan. India pays half the price we do in natural gas, $3.10 per 1 million Btus. Our friends in Australia pay $3.75 for a million Btus of natural gas.

As a result of what we are seeing in these higher natural gas prices, we are already losing jobs in this country. The chemical industry, one of our Nation's largest industrial users of natural gas, has watched more than 100,000 jobs, one-tenth of the U.S. chemical workforce, disappear just since the year 2000.

Recent studies by the National Association of Manufacturers and the American Chemistry Council found that 2 million jobs could be saved if Congress lays out a fresh blueprint for the supply, delivery, and efficient use of all forms of energy, including clean burning natural gas.

To address this natural gas crisis that is crippling our American farmers and manufacturers, we need a positive, proactive strategy for greater fuel diversity. The bill does just that by supporting clean coal. It supports nuclear energy and a whole host of renewable technologies, such as biofuels and incentives for fuel cells.

In the area of nuclear, I think it is one of the most important aspects of the bill. When one thinks of the generation of electricity, we ought to be using clean nuclear and clean coal technology while allowing natural gas to be utilized not for base load electricity generation but rather for factories, manufacturing jobs, and in our homes.

The President's Nuclear Power 2010 Program is designed to work with the nuclear industry in a 50/50 cost-sharing arrangement. It also addresses some of the risks and litigation aspects of it. One thing that is not in this measure but I am going to work on in the future is the repository.

The Senator from Utah, Mr. HATCH, was talking about Yucca Mountain. I fully understand why the people in Nevada would not want to have highly radioactive fuel rods that are radioactive for 40,000 years. What we need to do long term is look at what France is doing with nuclear power. What they have done is taken a technology that was started in this country on reprocessing and they have perfected it. We ought to be reprocessing this nuclear fuel, these spent fuel rods. If we do that, it is a much more efficient and much less dangerous approach. It is much less volume, and are decreased. That is something we need to do long term. It is not in this measure, but we need to move forward with it in the future.

Also in this bill we have set efficiency standards for everything from buildings to appliances that will help reduce our demand for electricity and natural gas.

Ultimately, we need to need to produce more natural gas. This amendment talks about coastal States that are committed to more exploration, the impact on their coastal areas and allowing them to get some assistance to these States closest to the exploration.

What I am going to say is not part of this amendment, but the issue of exploration off the coasts of different States came up during the hearings in our committee. It is not necessarily part of—in fact, it is not part of this amendment, but for the people of the Commonwealth of Virginia, this is an issue of some interest in our General Assembly. Our State legislature, in a very strong bipartisan action, stated that they were in favor of allowing or at least determining if there is any natural gas—not oil but natural gas—far off the coast of Virginia, beyond the viewshed, and, in the event that there is, allowing Virginia to share some of those revenues. That is not going to be part of this measure, and I say to Senator BINGAMAN, it is not part of this measure.

I realize things move slowly around here, slower than some of us would like, but I do think that the people in the States should have more of a say in energy production. Right now, if one looks at these coastal areas, it is all subject to the whims of the Federal Government. The Federal Government says they own it; the Federal Government says: We will determine if it is in a moratorium or not.

I am one, having been Governor, who would actually like the people in the States to have more prerogatives. There may be a different batch of folks in the Senate, and we may have a different President who says, No, we are going to do this, we do not care what the people of New Jersey think; we are going to go forward and explore. I would like to protect the prerogatives of the people of the States and also allow the people in the States, if they so choose to explore, to actually share in those revenues.

I have suggested that in Virginia, we ought to use a good portion of it for universities and colleges to reduce in-State tuition costs; another big chunk for transportation to alleviate traffic congestion; and another portion to the coastal areas, such as places like Virginia Beach, for things like beach replenishment. That is just something I would like to see ultimately allowed, but that is not part of this measure.

I also do think that I know the President's views on the inventory issue. People in South and North Carolina, Florida, and New Jersey do not even want an inventory. They do not even want to know what is off their coast. In my view, the compromise to all of this, if they do not want to, they don't have to. Why spend money looking off those coasts because the people of Florida, North Carolina, New Jersey, and maybe South Carolina as well, do not want to. So why waste the money? However, if the people of Georgia and Virginia would like to know what is off their coasts, allow them to at least find out what is out there and then make a determination therefrom. That might be the good compromise to this issue in conference.

This measure that Senator LANDRIEU and Senator VITTER have brought up has to do with Louisiana and a great deal, obviously, with the gulf coast. They have certain needs in Louisiana. Being in Cajun country and all around Louisiana last year for a variety of purposes, I know this is a very big issue to the people of Louisiana. We should be thankful to the people of Louisiana for the efforts they have made in the exploration off their coast because they are powering this country.

Granted, natural gas prices are high, and maybe we will get more production out of Alaska, and maybe we will get some more out of Louisiana or maybe off of Mississippi, but the point is that they have great coastal impacts, not because of the exploration way off in the Gulf of Mexico but because of the services to transport it, just the nature of the bayous. It is just the topography, that they have coastal erosion there that is of great concern to everyone in the State of Louisiana, especially south Louisiana. They are all proud of that sportsman paradise, as they call it.

I strongly support Senator DOMENICI's and Senator BINGAMAN's effort in this bill to consider the needs of producing States. Long term, what we are looking at is supporting, creating, and

preserving manufacturing jobs and finding environmentally safe ways to increase production of clean burning natural gas. It is important for jobs in this country. It is important for our national security to be less dependent on foreign energy. We need to be more independent, and, of course, we need to be much more competitive for investments and jobs if we are going to be the world capital of innovation.

So I urge my colleagues most respectfully to vote for this amendment that allows coastal impact assistance to States closest to this exploration. We have listened in meetings to Senator VITTER argue very persuasively to me and to others, I hope, and the same with Senator LANDRIEU in a variety of forums as well—they have made a persuasive argument for Louisiana, but ultimately it is a persuasive argument for the United States of America.

I thank my colleagues for their attention, and most importantly I thank my colleagues in anticipation of a positive vote for this amendment and moreover getting this Energy bill passed so that this country can become more independent of foreign oil, foreign energy, save those jobs, create more jobs, and make this country more competitive for investment and creativity in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator from Virginia leaves the floor, might I say to all of those who pay attention to these issues that the Senator is a new member of the Energy Committee, and I wondered when we made up the committee why the Senator had chosen to be on the committee. Then I found out that Virginia has a terrific interest in a lot of these issues, and I found that the Senator was very knowledgeable and a very good participant. The Senator helped us get a good bill. I commend the Senator on his analysis today. This is a bill that should direct us in the right way, especially in the natural gas area.

Clearly, we are at our knees. People say it is the gas pump, but it is also the price of natural gas that is causing America great trouble. We have resources. We just cannot use them because we need new technology and we need to do a better job of getting them ready for the marketplace so that we do not damage the air. We are working on that, and I thank the Senator for that.

Also, I want to compliment the Senator on seeing the value of the offshore resources of the United States. I am not suggesting that I understand each State's political issues, but I do understand that there is a lot of natural gas offshore. No. 2, I do understand it can be produced with little or no harm to anybody. A lot of it can be produced if it is there.

I commend the Senator for realizing that is an American asset and he would like very much for the Congress to face up to that.

I yield to the Senator.

Mr. ALLEN. I say to my chairman that the reason I wanted to get on his committee was because I believed that this Energy bill was the most important legislation we will pass in this Congress that will affect our competitiveness, jobs in this country, as well as our independence or less dependence on foreign oil and foreign energy, whether it is natural gas, liquefied natural gas, and all the rest.

I have been so impressed by the bipartisan way the Senator has methodically tried to move this measure forward that has great importance for the future of our country, not just for the next 5 or 10 years but, indeed, for generations to come. It is a model for how we can work in a bipartisan way. Does everyone get everything they want? No. But I think the American people ultimately will be much better off, there will be more people and families working, and we will be more competitive, thanks to the Senator's leadership.

I am very proud and pleased to have been appointed and elected to the Energy Committee, and I look forward to working with the chairman. He is a magnificent leader with the right vision for this country.

Mr. DOMENICI. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I support the Landrieu/Vitter amendment. As a State that is a producer of oil and gas off its shore, I certainly believe we should have some slight, minor benefit from that effort, particularly in light of the fact that State after State just blithely announces they will not have any off their shore. I believe that a 2-percent part of the revenue that is going to the Federal Government to the States that bear the burden of this offshore production is not too much to ask. It is not a violation of the budget. The money is set aside that can be spent on this. It is a question of priority. I believe we should go forward with that.

I wish to say how much I appreciate the remarks of Senator ALLEN. I believe he has analyzed our energy situation well. I would also join in my praise for Chairman DOMENICI for his work. He understands that nuclear and all other sources of power have to be increased to have us more energy independent. It is not just one step that we can take. Frankly, if one wants my opinion, and I believe it is correct, the area most overlooked, the area in which we can have the largest short-term surge of energy in our country that can be so important for our economy and jobs is offshore production of oil and gas, particularly natural gas.

We had an amendment just yesterday that I joined with the Senators from California to support—it did not pass—to have more controls over the building of liquefied natural gas terminals in our States, to give the States some more ability to participate in that process.

Why do we have liquefied natural gas terminals? We have not had them before. The reason is we are not producing enough natural gas in our country to supply our needs, and there are resources worldwide offshore that can be produced around countries such as Qatar in the Persian Gulf—some of whom have been friends, some of whom have not been friends of the United States—so they would have us produce it on those waters, to liquefy it at great expense, transport it around the world to some terminal in my hometown in Mobile, AL, and then put it in our pipelines. And where does the money go? Where does 100 percent of the royalty money go in that circumstance? It goes to the Saudi Arabias and the Qatars and Venezuela and those other countries, sucking out huge sums of money from our country, when we could keep all of that money in our national economy if we produced the existing supplies of natural gas that are off our shores.

I go down to one of the prettiest beaches in America. It is becoming more and more recognized—Gulf Shores, AL. You can stand on those beaches and at night you can see the oil rigs out off the shore. We have not had a spill there. In fact, I had the numbers checked, and I understand there was one spill off Louisiana in 1970. None of that reached the shore.

By the way, as all who have studied this know, natural gas is far less a threat to our environment, if there is a leak, than is oil. Oil is thicker and heavier and can pollute if there is a large amount spread on our shore. But we have not had any of that, and hundreds—thousands—of wells have been drilled and produced in the Gulf of Mexico. According to the Energy Committee, 65 percent of all energy produced from oil and gas comes from the Gulf of Mexico. That is a tremendous amount right off our coast. So Texas and Louisiana and Mississippi and Alabama have participated in that. Yet under the law of the United States and the tax provisions of our country, you cannot receive any revenue from it. It is moving in interstate commerce. You can't tax a truck going through your State, under the Constitution. You can't tax fuel going through a pipeline. So you produce it, and it moves out.

An LNG terminal, by the way, some have said, is an economic benefit to your community. It only has about 30 jobs, and it does have some safety risk, no doubt. Some say a lot. I don't know how much, but it has some safety risk. It has some tendency to diminish the value of property around it for sure. But you can't tax it because it is the interstate flow of a resource.

So they want these States to continue to be serving the American economy with no compensation whatsoever. The 2-percent figure that has been proposed here is not at all unreasonable to me. I think that is a modest charge, in fact.

Let me tell you the extent of the hypocrisy that goes on. My colleagues from Florida, the leaders in the State of Florida, have beautiful beaches such as we have. We border their beaches. They declare you cannot have a well if you have a beach in sight of it. Now they said you can't have an oil well so close—even outside of the sight of the beach. In fact, they are objecting to drilling oil wells 250 miles from the Florida beaches, as if this is somehow some religious event of cataclysmic proportions, if somebody were to drill an oil or gas well—mostly gas wells—out in the deep Gulf of Mexico. You know what. They are proposing right now, they desire and are moving forward with a plan to build a natural gas pipeline from my hometown of Mobile, AL, to Tampa, FL. They want to take the natural gas produced off the shores of Alabama, Mississippi, Louisiana, put it in a pipeline and move it to their State so they can have cheaper energy, and they don't want to have anything within 100 to 250 miles of their State. This is not correct.

Mr. President, I know you are a skilled lawyer and a JAG Officer in the military, but I was a U.S. attorney and represented the U.S. Government. Let me tell you, under the law of the United States, Florida does not own the land 200 miles off its shore. I have to tell you, that is U.S. water. There is no doubt about it. For the Senator from Louisiana and I, our boundary line is just 3 miles. Everybody else in the country has 9 miles, but after 9 miles, it is Federal water. Yet we show deference to the States and want to work with the States and listen to what they have to say, but as a matter of law, they don't get to decide who drills in the waters of the United States of America.

This country is at a point where we have to ask ourselves where we want this offshore oil and gas produced. Do we want to have it produced off Venezuela, in the lake down there, or in the Persian Gulf where all the money we have to pay for it goes to those countries, sucking it out of our economy or would we rather have it produced in this Nation, in the huge amounts that exist so our country can benefit from it? We have these crocodile tears by people who begrudge a little 2 percent that would go to our States that produce it, and they are not complaining one bit, I suppose, about an LNG terminal in Mobile, AL, designed to bring natural gas from halfway around the world, from some country that may be hostile to our national interests.

It makes no sense whatsoever. It is time for us to have a lot bigger discussion about this matter. I see the Senator from Louisiana is here. I know her State has more offshore wells than any other. I know they have had probably more environmental degradation as a result of it. I don't see anything wrong with them being able to ask for some compensation.

I have enjoyed working with her on this legislation.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. SESSIONS. I am pleased to.

Ms. LANDRIEU. If the Senator will yield, he has made so many excellent points, and I am not sure I heard them. Maybe if he would repeat—right now we are building a pipeline from Alabama to Florida? Could the Senator explain that, again? I am not sure people understand that you are building a pipeline from Alabama and sending the gas—where?

Mr. SESSIONS. To Tampa, FL, to some of those people, I guess, who have the multimillion-dollar mansions on the coast, who want to use that natural gas to cool their hot houses. I remember when it first came up, this debate was ongoing, former Congressman ''Sonny'' Callahan, from Mobile, was in the House. I suggested that he put in an amendment that just blocked the pipeline. If they don't want to produce any oil and gas, why should they get it? And he did, almost perhaps as a bit of humor, but also to raise a serious point. People want to utilize this resource but they are opposing its production.

But let me ask the Senator from Louisiana this question. Don't you think that some of the areas, such as California and others, that are so hostile to producing offshore, are ill-informed about the risk? It is almost as though it is this huge risk that their entire beaches are going to be threatened every day, but we have not had problems in our beaches. Have you in Louisiana?

Ms. LANDRIEU. I thank the Senator for that question. I would like to respond this way. I do think there is a lot of misunderstanding and fear associated with an industry that not everyone knows about. As the Senator knows, we do know a great deal about the industry. We understand that 40 years ago, 30 years ago, the industry was relatively new and mistakes were made and technology was being tried out. We just did not have all the environmental data that we have today. But as the Senator knows, in every industry there has been tremendous advancement made.

Not too along ago I was watching a program on television that was showing the way hot water heaters were developed in the Nation. I think the chairman from New Mexico would appreciate this. The whole program was about how in the early days people really wanted to have water, clean water, but they needed it warm for many purposes—not just for convenience and health, but cleanliness. They couldn't figure it out. So they kept trying to figure out a way to get hot water to people's houses.

But what would happen is these early hot water pumps, as you know, would blow up, they would blow the whole house up and people were actually killed; they lost their lives. But did we stop trying to bring hot water into the homes of Americans?

I know this might seem to be a small matter to people who live in the United States, but turning on a faucet, in your home, for clean, drinkable cold and hot water is still a luxury in the world today. But Americans did not stop with that technology. So today we take it for granted. Everybody can go home and turn the hot water on and it comes out and nobody blows up.

The Senator from Alabama is absolutely correct. There are people who just do not know. This technology is very safe. Plus, we have the Coast Guard, we have Federal agencies, we have the State court system, and the Federal court system, in answer to your question, that all enforce the laws, and agencies that are ''Johnny on the spot'' if something goes wrong.

Are there accidents? Yes. Can things go wrong? Yes. But I think as we start telling people more and at least give people more good information—the Senator from Alabama is correct—then they can make better decisions for the country. Again, to be respectful, if some States have accepted this information and still make the choice not to go forward, that might be their prerogative. But the Senator is absolutely correct. For those States such as Alabama, such as Mississippi, such as Texas and Louisiana, that have decided this is in our State's interests and the Federal interest, then most certainly this small amount of money for coastal impact assistance—to help us with our wetlands, to help us with beach erosion, to help make those investments that are so necessary—is absolutely the right thing to do at this time.

Mr. SESSIONS. May I ask the Senator another question? It has been reported that Cuba is going to be drilling for oil and gas out in the Gulf of Mexico. I wonder if our colleague would prefer that Cuba would do this where, I assume, it would be less safe, with less management, and all the money go to them rather than to the United States? Is that a fact? Is Cuba considering participating in drilling for oil and gas off the coast of Mexico, off our coast?

Ms. LANDRIEU. The Senator is correct. There is some thought that perhaps Cuba may open drilling and Canada may open drilling. But again, this amendment that the Senator has cosponsored, along with my colleague from Louisiana, who is here on the floor as well, is not a drilling amendment. It is not touching the moratoria. It is not laying down any boundary changes whatsoever. It is a coastal impact assistance revenue sharing for only the current producing States. So while there has been an extended debate—because we are not able to go to a final vote because there are some things that are being worked out and there has been an extended debate in these last hours, as my good friend from Florida knows, who is here on the floor—this amendment is a coastal impact amendment.

We have already debated the moratoria issue. We have debated the drilling issue. We could not come to a compromise on that so that issue is going to be saved to another day.

I have said to my friends from New Jersey and my friends from Florida and to my friends from Virginia and to you, the Senator from Alabama, this debate is not going to go away. We are going to have to continue to debate it. But this is not the debate at this moment. This debate now, this amendment that has broad bipartisan support, is about coastal revenue sharing, coastal impact assistance for States that produce oil and gas.

If I could, I wanted to make mention of something that would help the country understand, I think. This is from the Department of Energy, Energy Information Agency's Report of 2001.

These numbers will have changed, obviously, since 2001, but probably not by too much, and I doubt the quarter will change too much.

This is all energy produced—nuclear, hydro, geothermal, wood, wind, waste, solar, oil, natural gas, and coal. That is everything—nuclear, hydro, geothermal, wood, wind, waste, solar, oil, natural gas, coal.

There are only 11 States in the Union that produce more energy than they consume. All of these States, starting from No. 1, California, all the way down to Vermont, use more energy than they produce.

Again, I am aware that we are a Nation of 50 States. Some States grow sweet potatoes, some States grow Irish potatoes; some States make tractors, some States make automobiles.

But the problem here is that some are saying we don't want to produce energy but we want the benefits. So I am saying to my friends on all sides, if you don't want to drill for oil and gas on your shore or off, then put up a nuclear powerplant. If you don't want to put up a nuclear powerplant, put up windmills. If you don't want to put up windmills, you have to try to do something to generate energy for this country.

That is my only argument. That is not this amendment. This amendment is just recognizing that the States that have—let me just say this. I am trying to speak the truth here. Not only does Louisiana produce more than it uses, but please remember how much industry we have. Most of the chemical plants are in Louisiana, New Jersey, Illinois. Those are the areas where there are a lot of chemical plants.

We are proud of the petrochemical industry. But we also supply all of those manufacturing facilities—huge manufacturing facilities—that produce products that are not just bought by Louisiana; these chemicals go into better products we create in America. We sell them overseas, we sell some to ourselves, and we make money.

Not only are we producing all the gas and energy we need, we are fueling all of our plants and then exporting. When you add that on top of the numbers on my chart—and I want this corrected for the record. I am not sure this chart counts offshore; I think this may be just onshore. I don't think this counts offshore. If you add that, these numbers go up exponentially.

Wyoming gets the first prize. Some States say, We do not have the resources. I understand that. Not everyone has oil and gas. Not everyone has coal. The point Senator DOMENICI has been trying to make is, that is fine, but everybody has an ability to do something. Either conserve more, do not let SUVs come to your State if that is what you want to do, or produce more. That is the point—not on this amendment—one of the points of this bill.

Mr. SESSIONS. First, the Senator is exactly correct. This amendment is a very modest amendment. It has nothing to do with production of oil and gas. It is with frustration that our State has worked toward that goal and has not been able to receive any compensation, and many other States seem to be slamming the door on even considering that.

I ask the Senator if there is not a difference in safety and environmental impact when we deal with natural gas as opposed to oil? And is it not true that much of the energy capacity in the Gulf of Mexico and probably off our other States, is natural gas? I know that is important. We have probably seen a tripling of natural gas prices.

I know the Senator agrees that pipelines commence out of the gulf coastal areas—Alabama, Mississippi, Louisiana, Texas—that move the natural gas all over the country, and those States, if the price keeps going up when they heat their houses, they heat their water, their industries utilize natural gas, those prices are going up, also, which threatens their economic competitiveness. It is not that our States have a particular benefit from having the production. It goes in the pipelines that move it all over the country.

Ms. LANDRIEU. The Senator is correct. The Senator from Louisiana could answer as well, Senator VITTER. I will yield to him for a response.

We get the benefit of jobs. We are happy for the jobs, and we are proud of the technology we are developing.

The Senator from Alabama is correct. This oil and gas that comes through our State and is generated in and around our State goes to the benefit of everyone to try to keep the lights on in Chicago, New York, California, and Florida. We are happy to do it. We are not even complaining. We are just saying, in light of this, could we please share less than 1 or 2 percent of the money generated. Last year we gave $5 billion to the Treasury.

The PRESIDING OFFICER (Mr. BURR). The Chair reminds Senators that the Senator from Alabama controls the microphone and the Senator from Louisiana does not have the ability to yield to the Senator from Louisiana.

Mr. SESSIONS. Mr. President, we had a nice discussion and I thank the Chair for reminding us of that.

Before I yield the floor, I have enjoyed discussing this with the Senators from Louisiana, Senator LANDRIEU and Senator VITTER.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will yield momentarily.

I say to the Senators who are listening and to their staffs, we are in the process of trying to put together a short list of amendments that are absolutely necessary. We are getting close to the end—the end will be here when 30 hours have elapsed and then we could have a series of votes, but I don't think anyone wants that.

The Democratic and Republican staffers are taking these amendments and they are working together to see how many are absolutely necessary.

I ask Senators, do not wait, because we will have to go back and call you all. If you are serious about an amendment, there are people on the Democratic side and the Republican side and in the respective cloakrooms waiting to see and talk with you through your staffs or otherwise as to what you want to do about the amendments.

Clearly, there are numerous amendments and I am sure they are all not going to be offered. They were submitted in good faith, but I am sure they are not intended to be voted on before we finish.

Would Senators on both sides of the aisle—I think Senator BINGAMAN agrees—try to help by getting word to the cloakrooms whether they are serious, whether they want to work on their amendments so we can put our list together.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. NELSON of Florida. It is my understanding the Senator wants to get this bill done quickly. I certainly support him in his desire to get that done quickly. It is also my understanding, in order to achieve that goal, the two managers of the bill are presently negotiating down the number of amendments.

Is it correct, the understanding that the Senator from Florida has, that the amendments that would be agreed to take up would not include any amendments having to do with the Outer Continental Shelf drilling?

Mr. DOMENICI. Might I say it this way. We are not going to agree unilaterally or even together what the list is. Senators have to agree. So, Senator, you and others who do not want that on the list, you will be there and you will say no, and so it will not be on that list. That is the best way to say it. It is not going to be on the list unless Senators want it on the list. If you do not want it on the list, when we get there, we will call, as you know, and

we will find out. We cannot tell you now because we have a lot of amendments. Let's follow the regular order. You will be there and everyone should know that.

Mr. NELSON of Florida. Indeed. And this Senator understands where both Senators from New Mexico are trying to get with the legislation. I certainly want you to get there and get there fast.

Basically you come up with a list of amendments that would be considered and you would consider under unanimous consent in the Senate, that is the list to be considered for the rest of the debate on the bill before final passage?

Mr. DOMENICI. The Senator is absolutely right. That is the way it is done. That is the way it will be done.

Mr. NELSON of Florida. I thank the Senator for his clarification.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I follow up on some of the previous comments regarding this coastal amendment and quickly underscore two very important points.

As my colleague from Louisiana has explained, this is merely treating those coastal producing States that have produced so much of the Nation's energy needs, taken care of so much of those needs, simply treating those coastal producing States fairly.

If only more States were like us in producing far more energy than we consume, of course, this energy crisis we are facing would be less and less onerous, but that is not the case.

In particular, the distinguished chairman of the Budget Committee was in the Senate and said his State produced more energy than it consumed. I would love to hear the distinguished chairman's sources for that. I checked with the U.S. Department of Energy and they flatly disagreed. The most recent figures I could obtain, September 5, 2003, certainly include the nuclear energy plant the distinguished Senator from New Hampshire was referring to. That produces far less than the State of New Hampshire consumes. In fact, the total energy production from New Hampshire comes from that nuclear facility, .036 quadrillion Btus. The total energy consumption of New Hampshire is .329 quadrillion Btus. So, according to my source from the U.S. Department of Energy, the best information I have, dated September 5, 2003, New Hampshire consumes about nine times what it produces from that nuclear plant or any other source.

I use that as an example because, unfortunately, the coastal producing States we are talking about are in the distinct minority. We do produce the Nation's energy needs. We do produce far more energy than we consume. That is great for the Nation. I wish that load were spread around more, but it is not. That is a very important element of this debate.

The second point that directly flows into is a question of fairness. The Senator from New Hampshire talked about some boondoggle to coastal States. Nothing could be further from the truth. We are simply asking for a small, modest modicum of fairness. This amendment covers 4 years, 2007, 2008, 2009, 2010, 4 years, and then it goes away. During those 4 years, the royalties into the Federal Treasury from this offshore production are expected to be $26 billion. Under this amendment, during those 4 years, our share is $1 billion. That is less than 4 percent. Meanwhile, onshore oil and gas and mineral production is shared in terms of royalties on public lands 50 percent to the States and 50 percent to the Feds.

The Senator from New Hampshire, when he was here, cited the example of West Virginia coal production. That royalty share on public lands is 50/50. We will take 50 percent. If the Senator from New Hampshire wants to offer that amendment, we will accept that. We are only asking for 4 percent for 4 years and then it goes away.

This is fair. It is a fair way to treat those few States that help produce the energy the Nation needs. Those are very important points.

I hope all Senators remember those points as they vote, particularly on an amendment that is squarely within the budget, that does not bust any of the numbers within the budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I have new pictures. Before I show the pictures, I will state the situation in the Senate.

The Senator from New Jersey, Senator CORZINE, and this Senator from Florida, are insisting the debate remain on the Landrieu amendment as a means, as the clock is ticking, and with most of the Senate having an interest to recess tonight for the purpose of many schedules that need to be met for tomorrow, including a number of BRAC Commission hearings, especially in the State of New Mexico, that are being held tomorrow, very important pieces of business that Senators need to attend.

What the managers of the bill are presently doing, because the Senator from New Jersey and this Senator from Florida are insisting, since, lo and behold, we discovered what we thought we had taken care of yesterday, which was amendments would not be offered for further attempts at drilling on the Outer Continental Shelf—lo and behold, those amendments have been filed and they were declared germane by the Parliamentarian. Therefore, regardless of all of the agreements that have been made, they can be brought up at any time.

So the Senator from New Jersey and this Senator from Florida, simply recognizing the clock is ticking, in order that those amendments will not be brought up, are continuing to keep the debate on the Landrieu amendment. At such time as we expect the normal process would be done, which is the winnowing down of the remaining amendments, we then would ask for unanimous consent from the Senate to take up only those remaining amendments and that those amendments will not include the amendments further causing the drilling off the Outer Continental Shelf. So that is the parliamentary procedure we find ourselves in.

Now, I have heard a number of statements on this floor over the last several days. I wish to clarify. I also wish to bring an update to the Senate. As shown in this picture, this is what we have at stake in Florida. It is the pristine beaches. That is not the only reason for not wanting to drill off the coast of Florida, but that is one of the reasons, and it is a major reason. We do have a $50 billion-a-year tourism industry that depends on those pristine beaches. Of course, people from all over the world come to enjoy the extraordinary environment we have. That is one of the reasons.

I have enumerated over the last several days many other reasons. Those reasons certainly include the delicacy of the balance of nature in some of the estuaries and bays; the brackish waters; the mangrove swamps which you find on the coast of Florida, which is not specifically a beach. Generally you will find a beach on what is known as a barrier island. It is those barrier islands that have these extraordinary opportunities for guests to come and visit.

I have enumerated over the last several days also another reason; that is, the major national asset that we have off the gulf coast of Florida and off a good part of the Atlantic coast of Florida. It is called restricted airspace. Is it any wonder why the training of pilots for the new F–22 Stealth Fighter is at Tyndall Air Force Base? Is it any wonder why the training of pilots from all branches of the military for the new F–35 Joint Strike Fighter is at Eglin Air Force Base?

It is not any wonder when you realize the place they train is out over the Gulf of Mexico, most of which is restricted airspace, and most of which has had now increased training coming because the Navy Atlantic Fleet training was shut down on the island of Vieques off of Puerto Rico. Most of that training has come to northwest Florida. That training is done out off the Gulf of Mexico. You cannot have surface ships coordinating and training with aircraft, which are practicing with their targets on virtual land masses that have been created by computers on the Gulf of Mexico, if you have oil rigs down there on the surface of the Gulf of Mexico. That is another reason.

But I want to dwell for a minute on this reason right here as shown on this picture. I said I had a new picture. I do. This picture is a week old. This is an oilspill that just occurred off of Louisiana in the last week. There have

been now 600 pelicans threatened, and 200 pelicans have died from this oilspill. This was a relatively minor oilspill: 560 gallons—13 barrels—of oil, a relatively minor spill. You can see the damage it has done.

Now, I have shown other pictures out here. Shown on this picture is what we do not want. And shown on this picture is what we want. That is why the Senators from Florida, the Senators from other coastal States such as North Carolina and South Carolina, the Senators from New Jersey—and you could go on up the coast and then go out to the west coast and start in the North with Washington, Oregon, and California—that is why these Senators are so concerned about the protection of the interests of their particular States.

Now, this next picture is of an oilspill from years ago. I think this was actually from the *Exxon Valdez*, which was a much larger oilspill. That was a whole tanker. But a tanker can do that damage. And the spill from a week ago, which was a relatively minor spill, can also do damage, where 200 pelicans have died and 600 are threatened.

Now I want to address what has been stated here. It is as if Florida is not doing its part, as suggested by the list that was shown earlier of those that are net-plus of energy and those that are net-minus of energy. Is this the way we are going to solve our energy crisis? I think we ought to all be doing each thing we can to solve our energy crisis. It is absolutely inexcusable that America today is in a position whereby we are importing almost 60 percent of our daily consumption from foreign shores. That is not only inexcusable, that is unsustainable, when you consider the defense interests of our country, that we would be so dependent on oil coming from the Mideast and the Persian Gulf region.

By the way, 15 percent of our daily consumption comes from Venezuela. Guess what. We do not exactly have good relations with the Government of Venezuela these days. And the President of Venezuela, Hugo Chavez, from time to time beats his chest and beats the desk and says he is considering the cutting off of oil. That is another story. We could discuss that at length. But it all is forming a composite picture that we ought to be doing something about our dependence on foreign oil.

Well, where do you do the most good the quickest? It is to go where you consume the most energy. Where is most energy in America consumed? It is in transportation. And where in transportation is most energy consumed? It is in our personal vehicles—automobiles, trucks, SUVs. Yet you see we are considering an energy bill, and we cannot even get past an amendment that will raise miles per gallon on SUVs, phased in over a 10-year period. We do not have the votes. Why? Because there are certain interests here that say no. They want those gas guzzlers. Yet it is completely contrary to the interests of the United States.

If we really want to do something, we have to do something about miles per gallon. I wish to share with the Senate a recent experience I had talking with the former Director of Central Intelligence, Jim Woolsey, about a proposal he has that I believe makes a great deal of sense. It is quite exciting. This proposal could, according to his statistics, have the equivalent of having vehicles that would run at 500 miles per gallon. This is not science fiction. Let me tell you the three components.

The first component has to do with the fact that we already mix ethanol with gasoline, the ethanol being made primarily from corn. That is an expensive process, but we do that. In different places, there are various percentages of that ethanol. The ethanol and the gasoline burn together, and the ethanol starts replacing the gasoline.

What if you could replace that gasoline with more ethanol so that, say, it is 50 percent gasoline and 50 percent ethanol? You may say: Well, it would not be economical because it is very expensive to get that ethanol from corn. Jim Woolsey has said you can make ethanol from prairie grass. We have 31 million acres of prairie grass in the United States. It would have to be harvested each year, cutting the grass. You would have refined processes, just like in making ethanol from corn, but you have a different ingredient, and it would be much cheaper to make the ethanol. So why don't we start replacing oil—in other words, gasoline—with ethanol?

What the experts are telling me is you could use the same engines that we have. Perhaps they would have to have a little bit of tweaking to accommodate 50 percent ethanol and 50 percent gasoline, but look how much oil per day we would be saving just with that. But that is just the first component.

The second component is, what happens if you start turning all of America's new automobile engines into hybrid engines? A hybrid engine is what the Japanese have already done so successfully that they have these long waiting lists for these cars that have hybrid engines, that have computers that shift to electricity at one point and to gasoline at another point. The Japanese automakers' cars today—and they have been for several years—are getting better than 50 miles per gallon. That is the second component.

So what happens if you take fuel which is a mixture of ethanol and gasoline and put it into hybrid cars which are being run off of electricity and the mixture of fuel is that you start to see you are beginning to use less and less oil, and you are allowing technology to start working for us.

But there is a third component; that is, taking your hybrid vehicle—that is in your garage at night when you are not using it—and just plugging it in, so that in the morning, when you are ready to use your vehicle, your battery is fully charged up to its capacity. It would be using electricity that has been coming from a powerplant that is usually a powerplant that is fueled by something other than oil.

So now you have a car that leaves the garage. It is fully powered up in its battery, so as it is going to its electric side of the fuel component, it has that extra reserve. The gasoline side does not have to produce all that much for the electrical side of the hybrid.

And, by the way, when it is over on the gasoline side, it is using a lot less gasoline because the gasoline is mixed with ethanol. What Jim Woolsey has told a number of Senators is the calculations are that, under present standards, you would actually have a car that would be the equivalent of 500 miles per gallon. Can you imagine what that would do to our dependence on foreign oil, since our personal vehicles are, in fact, the major factor in our daily consumption of oil? We are talking serious changes. We are talking about not having to have a foreign policy—and I want to recognize my colleague because I want to hear what she says—where we, the United States, become the protector for the entire civilized world of the oil supply flowing out of the Persian Gulf region.

We are talking about a United States foreign policy that, Lord forbid, if radical Islamists were to cause the Saudi Royal Family to fall and then the other gulf states start falling like dominos and suddenly radical Islamists are in control of a major source of the world's oil supply—you can imagine what that would do to the rest of the free world and the industrialized world. We are talking about major crisis.

And how much of a threat is it that there is such a crisis? Look what we are dealing with in Iraq today. Who are the insurgents? Most of the terrorists in the world are now coming there not only to kill our boys and girls but are coming there to train to be terrorists instead of training in the former area of Afghanistan. It is easier for them to come where all the action is in Iraq. Lord help us if ever radical Islamists took over in Iraq.

Ms. LANDRIEU. Will the Senator yield?

Mr. NELSON of Florida. I am happy to yield to my distinguished and very persistent colleague from the State of Louisiana.

Ms. LANDRIEU. I thank the Senator from Florida.

I wanted to say that he has made some excellent points about our need for energy independence. He has stated it eloquently and correctly in terms of our overdependence. In large measure that has been what so many of our debates in the last few weeks have been.

As the Senator knows, the underlying bill we are trying to get to a final vote on within a few hours actually addresses so many of the concerns the Senator has so rightly raised. He is correct that we can move to a new kind of vehicle that you can plug in at night, drive during the day, switch from electricity to gasoline. That gives

us extraordinary hope, without compromising our industry, without Draconian measures. What he spoke about is real, it is not fantasy, and it is in this bill. The ethanol provisions that he talked about are in this bill because of the great work of Senator DOMENICI and Senator BINGAMAN, a Republican and a Democrat. Yes, they are from the same State, but they have different views—some more conservative, some more liberal. But they have come together on a great, balanced bill.

We are attempting to pass this good bill today. We are very close. We are down to the last few amendments. The Senator from Florida has made some excellent points. I also want to say he has been tireless in his advocacy for Florida. He is a Senator from Florida, along with Senator MARTINEZ. They have been down here for hours telling us about their beautiful beaches. We acknowledge it. In Louisiana—I tease the Senator from Florida—we know about those beaches. We grew up on those beaches as well. People from Mississippi and Alabama and Louisiana spend a lot of time on those beaches. We want to help them preserve their beaches.

I wanted to ask the Senator: Does he intend, if we can get our situation cleared up, to support the amendment we have on the floor, which is a revenue coastal impact assistance sharing? He has been so good in his comments about the contribution that Louisiana and other coastal producing States make. I know he is aware that this amendment we are considering is not a drilling amendment. It is not a boundary amendment, the Bingaman-Domenici-Landrieu-Vitter-Lott amendment. I wanted to ask him to comment on that.

Mr. NELSON of Florida. As the Senator well knows, her original amendment had the provisions for drilling off the coast of Florida, which this Senator vigorously fought. But when I sought the advice and counsel of the Senator from Louisiana, she had explained to this Senator that what she wanted was revenuesharing so that she could help with the bays and estuaries and coastal waters of her State. This Senator from Florida did not find that at all to be contrary to any interest in Florida. Therefore, it was the expectation of this Senator that if the Senator from Louisiana backed off of her attempts to want to drill off the coast of Florida, then certainly this Senator would try to help her with regard to the Senator from Louisiana protecting the interests of her State. That is part of the wonderful process of the give and take and the consensus building that we have around here where each State is represented by two Senators. We can look out for our interests, and you can look out for your interests, and then we can look out for our mutual interests. As the Good Book says: Come and reason together.

That is what we have attempted to do. I suspect that although several of us coastal Senators have had to scratch and claw and stand on the floor and make objections and stand up and filibuster and do all of those kinds of things to get our point across, it looks as though the Senator from Louisiana is going to be flying on cloud nine passing her amendment. But she has a higher threshold to get to. She has a threshold of 60 votes in order to pass a budgetary waiver in order to get it through. It is my hope the Senator from Louisiana will get her 60 votes.

Would the Senator like me to yield for purposes of a question and retaining the floor?

Ms. LANDRIEU. I thank the Senator for those comments.

Again, I recognize Senator DOMENICI and Senator BINGAMAN, who have tried to work through the great differences between all of us, representing our individual States, trying to move a bill forward that achieves the purpose we all want. The goal of more energy independence for our Nation, stronger conservation measures, opening the supply of different types—that is the purpose of the bill. So as we get to the final hours, having debated this bill now for 2 hours, I hope we can stay in the spirit of moving this important legislation. One of our colleagues from Virginia said this morning that in his opinion this might be the most significant piece of legislation we may pass this Congress.

We have tried for 14 years. The Senator from Florida is aware we have tried to pass an energy bill. This is not an easy bill to pass, not because Democrats and Republicans disagree, but because regions of the country disagree about how best to achieve that goal. It is an extremely difficult piece of legislation.

If we had not had the two leaders we had, with the patience of Job—as I have said many times, I don't know how they have brought us to this point. I know it is the Domenici-Bingaman amendment that is pending. Senator VITTER and I are cosponsors. Both Senators from Mississippi came earlier to speak on the amendment. We hope sometime in the next hour or so—hopefully sooner—to get a vote on the amendment—it would be a bipartisan vote—and then move on to take care of the other amendments and finalize the bill.

The Senator from Florida knows that despite our differences on this issue, we will agree to debate it in the future. This debate will go on. The underlying debate is not about the moratoria. It is not a drilling amendment. I look forward to having his support.

Mr. NELSON of Florida. This Senator thought the agreement to support the amendment of the Senator from Louisiana is that the Senator from Louisiana would forever and always support the Senator from Florida to keep drilling off of the coast of Florida.

Senator LANDRIEU has been such a tremendous advocate for the interests of her State. She has a need that is in front of the Senator. This Senator intends to help her, even though this Senator would certainly appreciate a little more help in the future from the Senator from Louisiana.

I want to point out again why the Senator from New Jersey, Mr. CORZINE, and I have been so exercised about now that this amendment is out there, filed, and it is germane to the bill, an amendment offered by Senator ALEXANDER, why it is such anathema to us. I will simply give you the explanation. When they say: Oh, we are just going to let States decide if they want to have the drilling off their coasts, there is something known as seaward lateral boundaries that are drawn as to what is the waters off of a State according to a Law of the Sea Treaty which, by the way, was never ratified by the United States, so it is not the law of this country. Let me show you what the line would be off the State of Florida for the State of Louisiana under that Law of the Sea Treaty.

This is Louisiana. This is Mississippi. This is Alabama. And this is the line on the latitudes of Alabama and Florida. Guess what would be considered under the drawing of these lines called seaward lateral boundaries for Louisiana. It is a faint line, but I will point it out with my finger. This is the line for Louisiana. All that off the coast of Florida would be Louisiana.

I suspect that in the case of Senator CORZINE off New Jersey, he would have to worry about something that is not the law of this land but those boundaries being drawn that an adjacent State would say: We want to drill. And lo and behold, it would end up off the coast of New Jersey.

I yield to the Senator from New Jersey.

Mr. CORZINE. I thank my colleague, who is pointing out the legal argument about seaward lateral boundaries which are those that would end up applying in a practical sense where drilling might occur. There is also the reality of oil spills, some associated with drilling for natural gas which has occurred on more than a small percentage of situations in drilling for natural gas, and oil spills moved with the flow of the tides. As is shown in the map the Senator from Florida is presenting, not only do you have a legal boundary, you have a practical boundary because there are no boundaries in the water. And there are no boundaries for fish to swim.

There are grave risks if the environmental and ecological elements of protection are not thought about. And there is a huge cost-benefit for many States with regard to how their economies and the quality of life and lifestyles are developed. That has to be put in measurement and measured against what is going to be gained.

In the case of New Jersey and the Mid-Atlantic and North Atlantic region, earlier tests show very limited supplies of natural gas and oil on that Outer Continental Shelf. Why do we

want to put ourselves at that kind of risk on a cost-benefit analysis? I ask the question, Is that the same kind of analysis at which my distinguished colleague from Florida has arrived?

Mr. NELSON of Florida. Indeed it is. But we feel so passionately about this for the reasons that I have articulated much earlier. When somebody then wants to claim the patina of legality suddenly for their State's waters and, in fact, allow the drilling off the coast of another State, then it is starting to get absurd. That is when we have to put our foot down.

As the Senator from New Jersey was talking, it occurred to me that I want to show, once again, these charts. This is from the *Exxon Valdez*, which is many years ago. But that was last week. That is last week off the coast of Louisiana. That is what we want to prevent.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. I ask unanimous consent to be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSULTATION ON SUPREME COURT NOMINEES

Mr. CORNYN. Mr. President, I want to talk about the anticipated vacancy on the U.S. Supreme Court. Whatever the timeframe for a vacancy on the Court, the process for selecting the next Associate or Chief Justice should reflect the very best of the American judiciary, not the worst of American politics. We deserve a Supreme Court nominee who reveres and respects the law—and a confirmation process that is civil, respectful, and keeps politics out of the judiciary.

This morning, a number of our colleagues on the other side of the aisle asked to be consulted about any future Supreme Court nomination.

I have two responses. First, we should be clear. Although consultation, in theory, may or may not be a good idea, there is no constitutional requirement or Senate tradition that obligates the President, or anyone in the executive branch, to consult with individual Senators, let alone with the Senate as an institution.

Second, consultation may or may not be a good idea, but Senators should behave in a manner that is both respectful and deserving of such a special role in the Supreme Court nomination process, if they expect the administration to meet them halfway.

At a minimum, the President should consider the following three conditions before agreeing to any special consultation with any particular Senator. First, whoever the nominee is, the Senate should focus its attention on judicial qualifications, not personal political beliefs. Second, whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan, political, or personal attacks. Third, whoever the nominee is, the Senate should apply the same fair process that has existed for more than two centuries, and that is confirmation or rejection by a majority vote.

First, as I said, there is no constitutional or Senate tradition requiring consultation with individual Senators, let alone with the Senate as an institution.

The text of the Constitution contemplates no formal role for the Senate as an institution—let alone individual Senators—to advise on selecting Justices on the Supreme Court, or on any Federal court.

As renowned constitutional scholar and historian, David Currie, has pointed out, President George Washington did not consult with the Senate. I quote: ''Madison, Jefferson, and Jay all advised Washington not to consult the Senate before making nominations.''

Professor Michael Gerhardt, the top Democrat adviser on the confirmation process, has similarly noted that ''the Constitution does not mandate any formal prenomination role for the Senate to consult with the President; nor does it impose any obligation on the President to consult with the Senate prior to nominating people to confirmable posts.''

My second point: If there is to be any consultation, the Senate must first show that it will behave itself in a manner worthy of such a special role in the Supreme Court nomination process. After all, there is a right way and a wrong way to debate the merits of a Supreme Court nominee. And history itself provides some useful benchmarks.

First, whoever the nominee is, the Senate should focus its attention on judicial qualifications—not on personal political beliefs.

When President Clinton nominated Ruth Bader Ginsburg to the Court in 1993, Senators knew that she was a brilliant lawyer with a strong record of service in the law. Senators knew that she served as general counsel of the American Civil Liberties Union, a liberal organization that has championed the abolition of traditional marriage laws and attacked the Pledge of Allegiance. And they know that she had previously written that traditional marriage laws are unconstitutional; that the Constitution guarantees a right to prostitution; that the Boy Scouts, Girl Scouts, Mother's Day, and Father's Day are all discriminatory institutions; that courts should force taxpayers to pay for abortions against their will; and that the age of consent for sexual activity should be lowered to the age of 12. The Senate, nevertheless, confirmed her by a vote of 96 to 3.

Similarly, when Steven Breyer, nominated in 1994 by President Clinton, and Antonin Scalia, nominated in 1986 by President Reagan, the Senate recognized that these were brilliant jurists with strong records of service. Breyer had served previously as chief counsel to Senator TED KENNEDY on the Senate Judiciary Committee. His nomination to the Court was opposed by many conservatives because of alleged hostility to religious liberty and private religious education, while Scalia was known to hold strongly conservative views on a number of topics. The Senate, nevertheless, confirmed them by votes of 87 to 9 and 98 to 0, respectively.

Second, whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan political or personal attacks.

Unfortunately, as we know, respect for nominees has not always been the standard—at least it has not always been observed.

Lewis Powell, a distinguished member of the U.S. Supreme Court, during his nomination process was accused of demonstrating ''continued hostility to the law,'' and waging a ''continual war on the Constitution.'' Senate witnesses warned that his confirmation would mean that ''justice for women would be ignored.'' John Paul Stevens, also with a distinguished record of service on the Supreme Court, was charged during his confirmation hearings with ''blatant insensitivity to discrimination against women.'' Anthony Kennedy, also on the Court, was scrutinized for his ''history of pro bono work for the Catholic Church,'' and found to be ''a deeply disturbing candidate for the United States Supreme Court,'' according to some accounts.

David Souter, also on the U.S. Supreme Court, during his confirmation process, was described as ''almost neanderthal,'' ''biased,'' and ''inflammatory.'' One Senator actually said Souter's civil rights record was ''particularly troubling'' and ''raised troubling questions about the depth of his commitment to the role of the Supreme Court and Congress in protecting individual rights and liberties under the Constitution.'' That same Senator condemned Souter for making ''reactionary arguments'' and for being ''willing to defend the indefensible'' and predicted that, if confirmed, Souter would ''turn the clock back on the historic progress of recent decades.'' At Senate hearings, witnesses cried that, ''I tremble for this country if you confirm David Souter,'' warning that ''women's lives are at stake,'' and even predicting that ''women will die.''

The best apology for these ruthless and reckless attacks is for them never to be repeated again. Unfortunately, recent history is not particularly promising. Even before President Bush took office in January 2001, the now-leader of the opposition party in the Senate told Fox News Sunday that ''we have a right to look at John Ashcroft's religion,'' to determine whether there is ''anything with his religious beliefs that would cause us to vote against him.'' And over the last 4 years, this President's judicial nominees have been labeled ''kooks,'' ''Neanderthals,'' and even ''turkeys.'' Respected public servants and brilliant jurists have been called ''scary'' and ''despicable.''

Third, whoever the nominee is, the Senate should apply the same fair process that has existed for over two centuries when it comes to confirmation or rejection—by an up-or-down vote of the majority.

Our colleagues on the other side of the aisle have recently asked to be consulted about any future Supreme Court nomination—even though the Constitution provides only for advice and consent of the Senate, not individual Senators, and only with respect to the appointment, not the nomination of any Federal judge. If Senators want an extraordinary and extraconstitutional role in the Supreme Court nomination process, the President should first consider seeking a commitment from them to subscribe to the three principles that I have talked about briefly above.

After years of unprecedented obstruction and destructive politics, we must restore dignity, honesty, respect, and fairness to our Senate confirmation process. That is the only way to keep politics out of the judiciary.

Mr. MCCONNELL. Will the Senator yield for a question before yielding the floor?

Mr. CORNYN. Yes.

Mr. MCCONNELL. I was listening carefully to my friend's comments about the process by which we react to the President's nominees to the Supreme Court. Did I hear my colleague correctly, in discussing the issue of what is or is not a mainstream nominee, that Ruth Bader Ginsburg, for whom I voted—and I believe the final vote was something like 96 to 3—had at one time speculated that there might be a constitutional right to prostitution? Did she not suggest that at some point in one of her writings?

Mr. CORNYN. The distinguished assistant majority leader is correct.

Mr. MCCONNELL. Also, had she not suggested at one point that there be a uni-sex ''Parent's Day'' instead of a Father's Day or a Mother's Day, or something similar to that?

Mr. CORNYN. Again, the distinguished assistant majority leader is correct.

Mr. MCCONNELL. I ask my friend from Texas, is it not the case that many nominations that have been sent up here by Presidents have opined, from time to time, controversial or provocative views, particularly if they have had a background as a teacher, that might strike many of us on this side of the aisle, and I suspect a majority on the other side, as outside of the mainstream to the left?

Mr. CORNYN. I say to the distinguished assistant majority leader that any lawyer—and we are likely to get a lawyer nominated for this important job on the Supreme Court—is going to have taken on behalf of a client, someone they have represented, or if they have taught, as the question suggests, during the course of their academic musings, programs, or writings, in Law Journal articles or otherwise, they are going to engage in the kind of intellectual exercise speculating perhaps about the limits of the law or what the law would or would not be under a particular set of circumstances.

It is simply unreasonable to ascribe to those nominees, let's say, the views of someone they are defending in a criminal case because they have volunteered to serve pro bono to defend somebody accused of a crime, or to ascribe to them as their own personal beliefs or ones they will actively seek and enforce from the bench or what they have written in academic writings on perhaps the limits of the Constitution or what would or would not stand up in a particular court decision.

I agree we should be fair to the nominees. We should require they rule in accordance with precedent and the intent of Congress when it comes to interpreting acts of Congress. But we should not try to mischaracterize them or paint them as out of the mainstream by viewing in isolation some of these writings or representations in their legal practice.

Mr. MCCONNELL. Finally, let me ask, is it not largely the case, I ask my colleague from Texas, that until the last few years, controversial or provocative comments or writings have, in fact, not been used as a rationale for defeating nominees, assuming they are lacking in qualifications or ''outside the mainstream'' as a rationale for defeating otherwise well-qualified nominees?

Mr. CORNYN. As the distinguished assistant majority leader knows, there has been a mischaracterization of the record of many nominees who have come up in recent times and one I hope we do not see repeated when we have this Supreme Court vacancy to consider, the President's nominee. But we have not had a good record recently of treating these nominees respectfully, understanding that these are people who are subjecting themselves to this process and public service at some personal sacrifice. I worry if this process becomes too mean and too unfair that we will simply see people who will not answer the call when the President requests they serve as a judge.

We have seen those kinds of characterizations and attacks, as the assistant majority leader described them. It is my hope, and I know his, that we will not see a repetition of that, but we will see a respectful process. We will see one where the Senate does its job. We ask tough questions. We do a thorough investigation. But at the end of the day, we do not try to paint these nominees as something they are not and that we have an up-or-down vote on these nominees, as we have had for more than 200 years.

Mr. MCCONNELL. I thank my friend from Texas for responding to my questions.

Mr. CORNYN. I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Kentucky.

SUPREME COURT NOMINEES

Mr. MCCONNELL. Mr. President, I listened with interest this morning to the remarks of our Democratic colleagues. They talked about a potential Supreme Court vacancy. While we have no knowledge of the occurrence of such a vacancy at this time, our friends implored the White House to consult with them in selecting a Supreme Court nominee. It is on this subject that I wish to make a few observations in the event such a vacancy were to occur.

From time to time, Senators may suggest to a President who he should nominate to the Federal bench. Sometimes Presidents agree with the suggestions and sometimes they do not. This White House has observed this practice, and I believe it will continue to do so. But we should not confuse the solicitude that any President may afford the views of individual Senators on a case-by-case basis with some sort of constitutional right of 100 individual Senators to co-nominate persons to the Federal court.

Unfortunately, I am afraid our Democratic friends are under a misapprehension that they have some sort of individual right of co-nomination. In the past, our colleague Senator SCHUMER has said that in his view—in his view—the President and the Senate should have ''equal roles'' in picking judicial nominees.

And just last week, and again on the floor this morning, my good friend from Vermont said that he ''stands ready to work with President Bush to help him select a nominee to the Supreme Court.''

Such a view of the confirmation process is completely at odds with the plain language of the Constitution, the Framers' intent, common sense, and past statements of our Democratic friends themselves.

Let's start with the Constitution. Article II, section 2 provides that the President, and the President alone—no one else—nominates. It says ''the President shall nominate.'' It does not say ''the President and the Senate shall nominate,'' nor does it say ''the President and a certain quantity of individual Senators shall nominate.'' It says ''the President shall nominate''—the plain words of the Constitution.

It then adds that after he nominates, his nominees will be appointed ''by and with the Advice and Consent of the Senate.''

This plain language meaning of article II, section 2 is confirmed by the Founding Father who proposed the very constitutional language I just cited. Alexander Hamilton wrote that it is the President, not the President and members of the opposition party, who nominates judges. Specifically, in Federalist No. 66, Alexander Hamilton wrote:

> It will be the Office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will, of course, be no exertion of choice—

I repeat, no exertion of choice—

on the part of the Senate. They may defeat

one choice of the Executive and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice [of the President].

Nothing could be more clear—Alexander Hamilton in Federalist No. 66 interpreting the plain language of article II, section 2 of the Constitution.

The Framers were, of course, as we all know, brilliant. They recognized that the judicial confirmation process would not function at all if we had the President and a multitude of individual Senators selecting judges. How could a President hope to accommodate the views of 100 different Senators on who he should nominate, each of whom might submit their own slate of nominees? That is why the only person who won a national election is charged with the power of nomination—the only person who won a national election is charged with the power of nomination.

Our Democratic friends at one point at least recognized this as well. For example, during Justice O'Connor's confirmation hearing, my good friend from Delaware, the former chairman of the Judiciary Committee, said:

I believe it is necessary at the outset of these hearings on your nomination—

Talking to Sandra Day O'Connor at the time—

to define the nature and scope of our responsibilities in the confirmation process, at least as I understand them. . . . [A]s a Member of the U.S. Senate, I am not choosing a nominee for the Court.

This is our colleague from Delaware.

. . . I am not choosing a nominee for the Court. That is the prerogative of the President of the United States, and we Members of the U.S. Senate are simply reviewing the choice that he has made.

That was Senator BIDEN in 1981.

And on the subject of deference, I must respectfully disagree with my good friend from Massachusetts, Senator KENNEDY. Professor Michael Gerhardt, on whose expertise in constitutional law our Democratic friends have relied, notes that:

The Constitution . . . establishes a presumption of confirmation that works to the advantage of the President and his nominees.

Finally, let me reiterate that at the end of the day, the Senate gives the President's nominees an up-or-down vote. This has been the practice even when there were highly contested Supreme Court nominees. There were no Supreme Court nominees more contested than Robert Bork and Clarence Thomas. Yet those Supreme Court nominees received up-or-down votes. I expect the same courtesy will be afforded to the next Supreme Court nominee regardless of who the nominating President is.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Mr. President, I am sorry I was at the DPC lunch, but I heard that a number of my colleagues had a little debate about consultation, a letter that 44 of the 45 Democrats sent to the President today, and the 45th, Senator BYRD, agreed in theory with the letter, agreed in the sentiments of the letter but wanted to write his own. He felt so strongly about it, he told me, that he wanted to put it in his own words.

All of a sudden we are hearing two things from the other side about consultation. First—and I could not believe this statement—my good friend from Texas, Senator CORNYN, said the Democrats are being political. If 1984 has not arrived, when asking to consult and bring people together is political and asking to be divided and not consult is nonpolitical, I don't know what is. This is 1984. We are asking the President to bring people together. We are asking the President to follow the Constitution. There is the word ''advise.'' And all of a sudden that is called being political? Please, give me a break.

The American people have asked us—every one of us; we can be from any one of the 50 States, we can be of any political philosophy, and I am sure we are asked when we get home: How do we break this partisanship on judges? The wisdom of the Founding Fathers, as always, is usually best. They recommended advise as well as consent, meaning consult. And here we, in a way—all the Democrats—in a desire to avoid confrontation, asked for consultation, and we are called political?

It seems to my good friend from Texas the only thing that is not political is we just say yes to whatever the President asks. That is not what we will do, and that is not what America is all about.

Our letter, I say to the American people, was heartfelt.

Our letter said: Let us avoid the confrontation on judges. The only way to do it is by consultation, plain and simple. President Clinton consulted. He called Senator HATCH at a time when Senator HATCH was not in the majority. According to Senator LEAHY, he told me this morning that Senator HATCH at that time—it must have been 1993 or 1994—was the ranking minority member, and as I understand it President Clinton bounced names off Senator HATCH: How about this one, how about that one?

Senator HATCH was wise enough to know that he was not going to get a conservative. The President would not nominate a conservative, just as we know and do not expect the President to nominate a Democrat or a liberal. We know that. But there are always shades of gray which only the ideologues of the hard right and the hard left never see. There are people who are mainstream conservatives who would be acceptable to most of us because we believe—my test, and I think it is the test of most of us is not on any one issue but, rather, would be people who would interpret the law, not make it.

I do not like judges who are ideologues. I do not like judges at the extremes. Obviously, the President has nominated some judges at the extremes, but my judicial committee, under my instructions in New York, where I get a say in nominations, knocks out anybody on the far left. That is because ideologues want to make law. They are so sure they are right that they can ignore everybody else.

Consultation is what it is all about. In my judgment, consultation is the only way to avoid the kinds of confrontations which I am sure none of us likes when it comes to judges. To call it political, that does not pass the laugh test.

Then I heard—and again, I was not here—that my friend from Texas and I believe my friend from Kentucky were having a debate on what should be allowed to be in the record in terms of if and when a Supreme Court Justice is nominated. I was told, Well, what they considered and argued while in court should not be considered because they were representing a client, or it should not be this or it should not be that.

The nomination and the confirmation of a U.S. Supreme Court Justice and a U.S. Chief Justice is one of the most important things we shall do as Senators. Let me put my colleagues on notice: Everything should be on the record—everything. Some will have less importance, some will have more importance, but to already, before someone is even nominated, start saying, Oh, this should not be part of the record, that should not be part of the record, sounds a little defensive.

I suppose we should not know anything about the nominee; just take the President's recommendation. Well, again, read the Constitution, I would advise my colleagues, with respect. It does not say the President determines who are Supreme Court nominees. In fact, for two-thirds of the period when the Founding Fathers wrote the Constitution, they had the Senate choose the Supreme Court. The only reason they changed it to have the President nominate is—I think they called it unity of purpose. They thought having—then it was probably 30—26 people try to choose 1 nominee was far more difficult than 1 choosing a nominee. But make no mistake about it, they wanted the Senate to be very active. In fact, as we know from our history and we have repeated on this floor, although it does not seem to make much of a dent, the early Senate rejected one of George Washington's nominees, and I believe in that Senate there were eight Founding Fathers.

They ought to know better than any of us. Here we are saying this should not be part of the record, that should

not be part of the record. Maybe my colleagues are being a little defensive. Maybe they do not want—I do not know who the nominees will be. I have no idea. But maybe they are worried that if all the facts came out, the American people might not want the nominee. I am of the other view. Justice Brandeis stated that sunlight is the greatest disinfectant. The more we see and the more we learn, the better we will be prepared.

I see my good friend, our great leader from Hawaii, has come to the floor of the Senate, and I do not want to delay him.

In conclusion, one, we plead with the President to consult with the minority, as President Clinton did, as President Hoover did, as President Grant did, and as so many others. That will make the process go more easily. When the American people ask us what can avoid the kind of confrontation we have seen with judges, there is a one word answer: consultation. Advise, as in advise and consent.

The ball is in the President's court. He can determine whether we have the kind of process the American people want—careful, thorough but harmonious, without acrimony, by consulting—or he can be like Zeus from Mount Olympus and throw down judicial thunderbolts and say: This is the nominee. Then maybe some of his minions will say: You cannot admit this fact about the nominee or that fact about the nominee or that fact about the nominee. That is not legitimate. That will not create a harmonious process in this body.

We are on the edge of perhaps a nomination for the U.S. Supreme Court—again, one of the most important things we Senators do. Let us hope, with consultation, it will occur in a harmonious and bipartisan way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

WE ARE ALL AMERICANS

Mr. INOUYE. Mr. President, according to press reports last evening one of the principal advisors to the President, Mr. Karl Rove, criticized Democrats for failing to respond to the attacks on 9/11. He is reported to have said that the Democratic Party did not understand the consequences of the Sept. 11, 2001, attacks. He is quoted saying, ''Liberals saw the savagery of the 9/11 attacks and wanted to prepare indictments and offer therapy and understanding for our attackers, Conservatives saw the savagery of 9/11 and the attacks and prepared for war.''

Oftentimes in press reports, words are taken out of context or simply misquoted. I would hope that is the case here. I would hope that the views that were reported to have been expressed do not really represent the thoughts of Mr. Rove and certainly not the President of the United States.

It is not often that I come to the floor to question what someone might have said. My view is that most of the time it is better to just remain silent and not to dignify the remarks which might have been made in the heat of partisan rhetoric, but this is a bit different.

All of us who were in the Congress at that time recall 9/11 vividly. Like all Americans we saw the jet liners crash into the Twin Towers on our televisions and we could all see the smoke rising from the Pentagon just across the river.

Perhaps Mr. Rove forgets what that day was like as we evacuated our offices and tried to maintain an aura of calm for the American public. Perhaps he forgets the spontaneous action of many of my colleagues who gathered on the steps of the Capitol to sing ''God Bless America.'' It wasn't Republicans on the steps and it wasn't conservatives, it was Americans. All colors, all religions, both parties came together in a patriotic symbol to demonstrate the resolve of America.

Mr. Rove must also not remember that the Senate was in the hands of a Democratic majority in September 2001. It was the Democratic majority, acting with the Republican minority, which pushed through a resolution authorizing the use of force to go after Osama Bin Laden. There was no dispute between the parties on this issue. We all agreed that we had to defeat this enemy of America.

I was Chairman of the Defense Appropriations Subcommittee at that time. I worked with my colleague TED STEVENS to put together an emergency appropriations bill to support the Defense Department's requirements to mount an attack on the terrorists. It was a bipartisan plan that provided the administration wide latitude to respond to this tragedy. There was no dissent. We were united across party lines.

Perhaps Mr. Rove just forgets. I cannot forget visiting the Pentagon and examining the extent of the damage and the continuing rescue efforts with my colleague Senator STEVENS. I vividly recall flying to New York City one week later to tour the site of the disaster. I will never forget the acrid smell that still arose through the smoke from the site as we flew over the area in a helicopter. I will forever recall seeing the widows of lost firefighters being escorted, and literally held up, by other New York emergency workers as they visited the site.

It has not been often in our Nation's history that we have been tested. As a teenager I was present on December 7, 1941 at another time in our Nation's history when we suffered a savage attack.

At the time the Nation responded in a bipartisan fashion to respond to that awful attack. Our response to the 9/11 attack was similar. All Americans were outraged by the attack and we proved our resolve to respond. To claim that one party had a monopoly on a patriotic response or a will to act is not only factually in error it is an insult to all Americans.

I have been in politics for many years. I understand the use of partisan political rhetoric to play to an audience. I also know that in this era of instantaneous information, erroneous statements can become accepted as facts. This statement, if it truly reflects the views of the President's advisor, needs to be refuted before it can be thought of as being historically accurate.

There has been a lot said in the press recently about demanding apologies for words that have been spoken. The White House needs to take a look at these statements and consider an appropriate response to repudiate these words.

Patriotism is not owned by one political party. Our national resolve is not Democratic or Republican. It is American.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that I be excused from the Senate between the hours of 3 p.m. and 6 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for recognition in my own right and I ask my comments be printed in an appropriate place in the RECORD and be given as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KENNEDY are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER (Mr. THOMAS). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I see the distinguished Senator from Massachusetts. I know he wants to speak. I do want to explain the position I am in. I am trying very hard to get the amendment that is pending voted on. We have been waiting for a long time. Both Senator BINGAMAN and Senator DOMENICI have to leave. Our scheduled time of departure is 3:30 to get home to go to a BRAC Commission meeting where six commissioners will be there. I need all the time between now and 3:30 to get it done. But if the Senator wants to speak, I will yield and see what happens.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I want to accommodate and help my friend and colleague. What I would like to find out is, if I could be part of a unanimous consent request to simply be recognized after the business

the Senator needs to do, I am happy to accommodate him.

Mr. DOMENICI. The Senator wants to be recognized for a speech.

Mr. KERRY. I want to be recognized to be able to speak immediately after the business the Senator has to conduct. If I can be so recognized, I would appreciate it very much.

Mr. DOMENICI. So long as there is no misunderstanding, the business I am talking about would include a vote.

Mr. KERRY. I understand. The Senator needs to have a vote now, and I will happily accommodate that.

Mr. DOMENICI. I am appreciative. I thank the Senator so much.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I understand I am part of the unanimous consent request to be recognized after the vote.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Yes, indeed. As soon as this business is finished on the pending amendment, he will be recognized for whatever time he needs.

In order to save time, I wonder if I could have 2 minutes of colloquy with the Senator from Louisiana, which is part of the proposal we are trying to finish. No amendments, just a colloquy with reference to the subject matter. I know the Senator from New Jersey is here. This colloquy has to do with some amendments he is pulling down that put our compromise together so we don't have any amendments that offend you. He wants to ask me about two amendments which he will withdraw.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 802 RECALLED

Mr. VITTER. Mr. President, I rise to engage in a colloquy with the distinguished chairman about one amendment in particular, amendment No. 802. It is based on an underlying bill I introduced, the Alternative Energy Enhancement Act, which would provide some regulatory structure and some royalty sharing for new alternative energy that is developed offshore, particularly on the Outer Continental Shelf. These are new forms of energy which are not in production now, things such as solar energy, thermal energy, wave energy, methane hydrates.

First, I compliment the chairman for his work on the bill because the underlying bill includes most, if not all, of the regulatory provisions of my bill. What it does not include is royalty sharing. I would like to ask the chairman if he could continue to work with me as this energy bill goes to conference to create a fair system of royalty sharing for these new forms of energy, noting that it is absolutely no loss to the Federal Treasury because those revenues are not coming in yet.

Mr. DOMENICI. The Senator has my assurance. Just as I have tried to do that in the past, I will continue to do it. It cannot be included in this bill for a lot of reasons, including those the Senators from offshore States understand. We will continue to work on it and see how we can move it along in due course.

Mr. VITTER. I thank the chairman.

Mr. DOMENICI. Will you pull your amendment after this colloquy?

Mr. VITTER. Yes, this first amendment is No. 802. My second amendment we can deal with much later on. We don't to have deal with it immediately.

Mr. DOMENICI. Will you withdraw it?

Mr. VITTER. Mr. President, I withdraw amendment No. 802.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CORNYN. Mr. President, I rise to add my support to the Domenici amendment No. 891. However, before I proceed, I want to extend my gratitude and congratulations to the chairman and ranking member of the Energy and Natural Resources Committee, Senator DOMENICI and Senator BINGAMAN, for their hard work in producing this Senate energy bill.

Congress has tried several times to approve a comprehensive energy bill. Under their wise guidance and counsel, I believe that we will be successful this time. It is critical that we provide the country with the resources and tools to meet our growing energy needs and this bill will go a long way in accomplishing that goal.

It is toward this same goal that I support this amendment that would share a portion of the revenues generated by off-shore oil and gas operations with coastal producing States. As we work to address our Nation's growing energy needs and to increase our domestic production of oil and gas, there will be enormous pressures placed on the communities along our coasts that serve as a platform to these operations. These pressures take a variety of forms and present a number of challenges. By giving coastal States an arrangement that States with in-land development already have by sharing some of these oil and gas revenues, we can mitigate some of these pressures. This includes assistance with conservation of critical coastal habitats and wetlands to providing coastal communities with help for infrastructure and public service needs. There has been a significant amount of discussion on the issue of coastal erosion in Louisiana, but I want the Senate to know that parts of Texas are experiencing some of the very same problems.

I also appreciate the comments and reservations expressed by the distinguished Chairman of the Budget Committee. As a member of the Budget Committee, I recognize the significance and implications of waiving the Budget Act. However, in this case, the budget resolution does contain a specific reserve fund to accommodate spending in the energy bill. This amendment does not cause the bill to exceed the funds provided in the resolution for the bill and is fully within the amount of money Congress set aside for the energy bill.

Texas is proud of its heritage as an energy producing State. Texas will continue to play a vital role in providing for the Nation's energy needs. This amendment is a reasonable proposal to address an issue of basic fairness. This will demonstrate to those communities along the coast that are so vital to the production of oil and gas for the Nation that they are valuable, important, and supported.

AMENDMENT NO. 891

Mr. DOMENICI. Might I ask if we are ready to proceed now? Is the chairman of the Budget Committee prepared to make his closing remarks?

The PRESIDING OFFICER. The amendment I mentioned has been recalled.

Mr. DOMENICI. The appropriate word is ''recalled.''

The PRESIDING OFFICER. Recalled.

Mr. DOMENICI. I thank the Parliamentarian.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, what is the parliamentary situation? Is there unanimous consent agreement?

Mr. DOMENICI. There is none. When you finish, we are going to vote.

Mr. GREGG. So I have the last say here and then we will go to a vote.

Mr. DOMENICI. Equal time, 1 minute, 2 minutes; whatever you take, I take. Then we vote.

Mr. GREGG. Well, since it is my point of order, I would like to go last, and I will need about 5 minutes.

Mr. DOMENICI. I will use 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, the distinguished chairman of the Budget Committee has the right to raise a point of order and he did. There is also a provision in the Budget Act that says if a point of order is made, the Senate may waive the point of order. So the issue before the Senate is whether we should waive the point of order. I want to make two points.

First, the Energy and Natural Resources Committee, which has the bill on the floor, was allotted $2 billion. People think we were allotted a lot of money. We were allotted $2 billion to be spent by the committee on matters pertaining to this bill. We have a debate as to whether we can spend it on this amendment or whether we have to spend it on the bill in committee. The Senator from New Mexico maintains that we should, as a Senate, say the $2 billion was given to the committee. We are spending it on legitimate committee business, and we ought to be allowed to spend it on this amendment. We do not break the budget, we just use the money we were allotted. So it isn't a budgetary question. It is a budget issue whether we should waive based upon whether we should have used it in the committee or whether we could use that very same amount of money on

the floor of the Senate. That is the issue.

I yield back any time I have.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I am now recognized for 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, it is important to review the bidding here. The situation is that a budget point of order has been raised. It is properly founded, and there is a motion to waive it. The logic behind the point of order is very simple. We are taking a discretionary program and moving it over to be an entitlement program to benefit five States, primarily Louisiana, which will get 54 percent of the money that is allocated. It is hard to understand why we would want to create a new entitlement program simply for Louisiana to address their conservation concerns. There are a lot of States that have conservation concerns. There is, in my opinion, virtually no nexus between the conservation issues which will be addressed theoretically by this amendment, should it pass, and the energy that is being sought off the coast of Louisiana. But even if there were, it would be inappropriate to pass such an amendment to create a new entitlement unless you included other States which had the same type of impact, because they were producing energy, on their environment. Furthermore, we have heard a great deal about how Louisiana has a right to this money. They have an entitlement to this money. Those were the words used by my friends across the aisle. As we look at the numbers relative to how funds are disbursed from the Federal Government, it appears that Louisiana is doing pretty well.

For every dollar Louisiana sends to the U.S. Treasury, Louisiana gets $1.43 back. That is pretty darn good. They are getting a 43-cent bonus on every dollar they spend from what they send up here. Of the five States that will benefit from this, all of them get more money back than they send to Washington, and four get substantially more money. In fact, they are in the top 10 of States to get more money back.

The equities of this Louisiana case are weak, to say the least. When you throw into the factor that they already have a dedicated fund—the only State in the country—for all the money raised as a result of people running lawnmowers in places such as Montana, Oregon, or Massachusetts, you end up, if you start your lawnmower or your snowblower, sending money to Louisiana to help them with environmental mitigation. They already have a fund, and they want more on top of that.

The issue is simple. We passed a budget. The other side of the aisle didn't participate in the process. The Republican side of the aisle did. We passed a budget. Now the question is, Are we going to enforce that budget or are we going to spend money creating an entitlement program that is totally outside of the bounds of the budget, which is wrong, and which has no equities behind it, other than that group of States decided to raid the Federal Treasury?

It seems to me we have to make some decisions as to whether we are going to enforce the budget process. I note that the administration supports this point of order and opposes this amendment. I hope my colleagues will join me in that position, also.

I yield back the remainder of my time.

The yeas and nays have been ordered, as I understand it.

Mr. DOMENICI. Mr. President, before the yeas and nays are called, I think we have a unanimous consent agreement that everybody put their fingerprints on. I will read it, after which time we will vote.

I ask unanimous consent that the list of amendments that I send to the desk be the only first-degree amendments remaining in order to the bill, including the managers' amendment, which are enumerated; provided further that this agreement does not waive the provisions of rule XXII; further, that upon disposition of the pending Domenici amendment, no further amendments relating to the issue of OCS moratorium and natural gas and oil exploration be in order to the bill, with the exception of amendments Nos. 802 and 804, to be offered by the distinguished Senator VITTER; and that upon his statements on them, the amendments will be withdrawn. I modify that to strike the amendment we have already recalled, and that was amendment No. 802. So I strike No. 802, which has already been recalled. The rest of the proposal I leave with the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list of amendments is as follows:

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FINAL LIST OF ENERGY AMENDMENTS

Talent—#819; Baucus—#846; Rocky Mountain Fund (to be withdrawn); Durbin—#902, CAFE, #903, Small Business Next Generation Lighting; Lautenberg—#778, P–FUELS; Inouye/Akaka—#876, Deep Water Renewable Thermal Energy; Pryor—#881, Weatherization Assistance Credit; Dodd—#882, SOS: Power Rates in New England; Schumer—#810, Uranium Exports; Obama—#851; Sununu—#873; Bond/Levin—#925; Salazar—#892; and a Manager's Package.

Mr. DOMENICI. I understand that we will proceed to an up-or-down vote. Mr. President, I might say to the Senate, after this vote, I don't believe either Senator from New Mexico will be here for the remainder of the votes. Senator LARRY CRAIG will assume my role as manager of the bill. I thank everybody for their cooperation to get the bill this far.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Minnesota (Mr. COLEMAN), and the Senator from Alaska (Mr. STEVENS).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN), would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Mr. DAYTON), and the Senator from North Dakota (Mr. DORGAN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 26, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—69

Akaka	Durbin	Murkowski
Alexander	Ensign	Murray
Allen	Feinstein	Nelson (FL)
Baucus	Frist	Nelson (NE)
Bayh	Graham	Obama
Bennett	Grassley	Pryor
Biden	Hagel	Reed
Bingaman	Hatch	Reid
Bond	Hutchison	Roberts
Boxer	Inouye	Rockefeller
Brownback	Jeffords	Salazar
Burr	Johnson	Sarbanes
Cantwell	Kennedy	Schumer
Carper	Kerry	Sessions
Clinton	Kohl	Shelby
Cochran	Landrieu	Smith
Cornyn	Lautenberg	Snowe
Corzine	Levin	Stabenow
Craig	Lieberman	Talent
DeWine	Lincoln	Thune
Dodd	Lott	Vitter
Dole	Martinez	Voinovich
Domenici	Mikulski	Warner

NAYS—26

Allard	DeMint	Lugar
Bunning	Enzi	McCain
Burns	Feingold	McConnell
Byrd	Gregg	Santorum
Chafee	Harkin	Specter
Chambliss	Inhofe	Sununu
Coburn	Isakson	Thomas
Collins	Kyl	Wyden
Crapo	Leahy	

NOT VOTING—5

Coleman	Dayton	Stevens
Conrad	Dorgan	

The PRESIDING OFFICER. On this vote, the ayes are 69, the nays are 26. Three-fifths of the Senators, duly chosen and sworn, having voted in the affirmative, the motion is rejected. The point of order fails.

Under the previous order, the Senator from Massachusetts will be recognized, but first the question is on agreeing to amendment No. 891.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 891.

The amendment (No. 891) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

JUDICIAL NOMINATIONS

Mr. SPECTER. Mr. President, I have sought recognition to comment about certain statements made this morning that were somewhat critical of the President on the issue of consultation on a prospective Supreme Court nomination. One of the Senators from the other side of the aisle said that there would be a battle royal unless there was consultation that met the requirements of the other side of the aisle. Two other lengthy speeches were also presented along the same line.

There has been a letter submitted by some 44 Senators that called for consultation by the President on the issue of a Supreme Court nomination. However, I think the first thing to acknowledge is that there is no vacancy. It would be premature to be critical. It would be premature to raise the issue in a confrontational sense until the matter is ripe for consideration.

A number of us had occasion to have lunch with members of the Supreme Court last week, and the Chief Justice looked remarkably fit. We saw him when he administered the oath to the President some 5 months ago, when he was helped down to the podium, a little shaky and his voice a little faltering, but last Thursday he looked remarkably well. What he intends to do or what anyone else intends to do remains to be seen, but it is hardly the time, given the kind of confrontation in this body which we have seen on the judicial nomination process, to be looking to pick a fight. I am not saying anyone is picking a fight—just that we ought to avoid picking one. I respect the letter which was sent, dated June 23, to the President, and signed by some 44 Senators. It quotes the President at the press conference on May 31, 2005, where he said: ''I look forward to talking to Members of the Senate about the Supreme Court process to get their opinions as well and will do so. We will consult with the Senate.''

That is an extract from the letter sent to President Bush dated today. Well, May 31 was only 24 days ago and when the President has made a commitment to consult with the Senate, that is pretty firm and that is pretty emphatic.

Given his other responsibilities, and the fact that there is no vacancy on the Supreme Court, it is presumptuous to say that there is some failure on his part. I have asked the President to consult with Democratic Members and to listen. The advice and consent clause of the Constitution is well known. He has asked me, in my capacity as Chairman of the Judiciary Committee, about the issue, and I recommended to him consultation. He has been very receptive to the idea. Although he has made no commitment to me, he did make a very flat commitment in his speech, as cited in this letter.

I might comment that during the confirmation proceedings of Attorney General Gonzales, I think it is fair to say Senator SCHUMER was effusive in his praise of Mr. Gonzales as White House counsel regarding consultation with New York Senators.

May the record show that Senator SCHUMER is nodding in the affirmative. As former prosecutors we sometimes say such things.

It is my hope that we will proceed to the Supreme Court nomination—if and when it occurs—in a spirit of comity. I do not have to speak about my record on the subject. When we were fighting during the Clinton administration about confirming Paez and Berzon, I broke party ranks and supported them. It is my view that there is fault on both sides regarding stalling nominations. It began during the last two years of President Reagan, all four years of Bush No. 1, and reached an intense line, frankly, during the administration of President Clinton, when some 60 nominations were held up in committee. We know what happened with the systematic filibuster and the interim appointment, and we are past that.

We have a very heavy responsibility, if a vacancy occurs on the Supreme Court, to move ahead in a spirit of comity to try to get somebody who can be confirmed; somebody who is acceptable to the Senate. If we are to fail in that and have an eight-person Court, it would be dysfunctional. As we all know, there are many 5-to-4 decisions. The country simply could not function with 4-to-4 court.

It would be my hope that we would lower the rhetoric and not put anybody in the position of being compelled to respond to a challenge. Let us not challenge each other. Let us not challenge the President. Let us move toward consultation.

This is something I have discussed with the distinguished Democratic Leader, Senator REID. Also, Senator LEAHY and I have talked about the subject at length. I think we have established—as Senator LEAHY called—it an atmosphere of comity in the Judiciary Committee. Such that we will approach this very important duty with tranquility, comity, and good will to do the work of the American people and not presume that the President is going to pick someone characterized as out of the mainstream or someone objectionable.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. First, I underscore what the distinguished chairman of the Judiciary Committee said. We all hope that Chief Justice Rehnquist's health permits him to continue serving on the Court. I became an admirer of his during the impeachment proceedings. I got to know him. He has a great sense of humor, and we all know he has a tremendous intellect. I wish him the very best health. So I hope we do not have to consider a vacancy in the Supreme Court.

I would say to my friend, the distinguished chairman of the Judiciary Committee, we on this side of the aisle, as most all of the Senate, have the greatest respect for ARLEN SPECTER. We are very happy with the relationship he has with the ranking member, Senator LEAHY. They have a relationship that is going to allow us to get work done in the Judiciary Committee. They have respect and admiration for each other.

I always joke with Senator SPECTER that I am one of the people who have read his book—and I have read his book. But my feelings about the Senator from Pennsylvania have only increased in recent years, especially during the last few months when he has responded so well to the illness that he has. We are all mindful of the physical strength this man has. So anything we do in the Judiciary Committee is never disrespectful of the chairman of the Judiciary Committee.

I would say, I attended one of the press events, and I think there was only one, dealing with the Supreme Court, that we talked about today. It was not a battle royal. It was a very constructive statement that we all made.

We are hopeful and confident the President will follow through. Like Senator HATCH's relationship with President Clinton, it was a good way to do things. As a result of the work done with President Clinton and then Senator HATCH, we were able to get two outstanding Supreme Court Justices—Ginsburg and Breyer. No one can complain about the intellect or the hard work and what they have done for our country and for the Court.

We believe there should be advice and consent on all judicial nominations but at least on the Supreme Court. As the Senator from Pennsylvania said, the President a month ago indicated he was going to do that, and we, today, wanted to remind the President, in the letter we sent to him, that he should follow what he said before.

We look forward to a hearing. I have spoken to our ranking member, Senator LEAHY, and he is in the process of working with the Senator from Pennsylvania to come up with a protocol, how we proceed on Supreme Court nominations.

This is a very unusual time in the history of this country. We have gone more than 11 years without an opening in the Supreme Court. As a result of that, staff is not as familiar with how things have happened in the past, and most Senators were not even here when the Supreme Court vacancies were filled last time—at least many of the Senators.

So I say to my friend from Pennsylvania, we look forward to working with you and the administration if, in fact, there is a vacancy on the Supreme Court. And even if there is not a vacancy on the Supreme Court, I believe it is important that you and Senator LEAHY work toward a protocol so when

one does come up, it is not catchup time. I say if there is no Supreme Court vacancy, we look forward to working with you on the many things over which the Judiciary Committee has jurisdiction. We are confident your experience and intellect and love of the law will allow this body to be a better place.

Mr. SPECTER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts.

KARL ROVE

Mr. KERRY. Mr. President, last night in New York City, Karl Rove made some comments to the Conservative Party of New York that need to be discussed on this floor and for which an apology is needed.

None of us here will ever forget the hours after September 11, the frantic calls to our families after we evacuated the Capitol, the evacuations themselves, the images on television, and then the remarkable response of the American people as we came together as one to answer the attack on our homeland.

I remember being in a leadership meeting just off the Chamber here at the moment that the plane hit the Pentagon and we saw the plume of smoke. Then the word came from the White House that they were evacuating and that we should evacuate. I will never forget the anger I felt as we walked out of here, numbers of people running across the street, and I turned to somebody else walking with us and I said, ''We're at war.'' That was the reaction of the American people. That was the reaction of everybody in the Senate and Congress.

We drew strength when our firefighters ran upstairs in New York City and risked their lives so that other people could live. When rescuers rushed into smoke and fire at the Pentagon, we took heart at their courage. When the men and women of flight 93 sacrificed themselves to save our Nation's Capitol, when flags were hanging from front porches all across America and strangers became friends, it brought out the best of all of us in America. That spirit of our country should never be reduced to a cheap, divisive political applause line from anyone who speaks for the President of the United States.

I am proud, as my colleagues on this side are, that after September 11, all of the people of this country rallied to President Bush's call for unity to meet the danger. There were no Democrats, there were no Republicans, there were only Americans. That is why it is really hard to believe that last night in New York, a senior adviser, the most senior adviser to the President of the United States, is twisting, purposely twisting those days of unity in order to divide us for political gain.

Rather than focusing attention on Osama bin Laden and finding him or rather than focusing attention on just smashing al-Qaida and uniting our effort, as we have been, he is, instead, challenging the patriotism of every American who is every bit as committed to fighting terror as is he.

For Karl Rove to equate Democratic policy on terror to indictments or to therapy or to suggest that the Democratic response on 9/11 was weak is disgraceful.

Just days after 9/11, the Senate voted 98 to nothing, and the House voted 420 to 1, to authorize President Bush to use all necessary and appropriate force against terror. And after the bipartisan vote, President Bush said:

> I'm gratified that the Congress has united so powerfully by taking this action. It sends a clear message. Our people are together and we will prevail.

That is not the message that was sent by Karl Rove in New York City last night. Last night, he said: ''No more needs to be said about their motives.'' The motives of liberals.

I think a lot more needs to be said about Karl Rove's motives because they are not the people's motives. They are not the motives that were expressed in that spirit that brought us together. They are not the motives of a Nation that found unity in that critical moment—Democrat and Republican alike, all of us as Americans.

If the President really believes his own words, if those words have meaning, he should at the very least expect a public apology from Karl Rove. And frankly, he ought to fire him. If the President of the United States knows the meaning of those words, then he ought to listen to the plea of Kristen Brightweiser, who lost her husband when the Twin Towers came crashing down. She said:

> If you are going to use 9/11, use it to make this Nation safer than it was on 9/11.

Karl Rove doesn't owe me an apology and he doesn't owe Democrats an apology. He owes the country an apology. He owes Kristen Brightweiser and a lot of people like her, those families, an apology. He owes an apology to every one of those families who paid the ultimate price on 9/11 and expect their Government to be doing all possible to keep the unity of their country and to fight an effective war on terror.

The fact is, millions of Americans across our country have serious questions about that, and they have a right to have a legitimate debate in our Nation without being called names or somehow being divided in a way that does a disservice to the effort to be safer and to bring our people together. The fact is that mothers and fathers of service people spend sleepless nights now, worrying about sons and daughters in humvees in Iraq that still are not adequately armored. They are asking Washington for honesty, for results, and for leadership—not for political division. Before Karl Rove delivers another political assault, he ought to stop and think about those families and the unity of 9/11.

The 9/11 Commission has given us a path to follow to try to make our Nation safer. He ought to be working overtime to implement the provisions. We should not be letting 95 percent of our container ships come into our country uninspected. We should not be leaving nuclear and chemical plants without enough protection. Until the work is done of truly responding in the way that Kristen Brightweiser said we should, making America safer, using 9/11 for that purpose only, we should not see people trying to question the patriotism of Americans who are working in good faith to accomplish those goals.

Before wrapping themselves in the memory of 9/11 and shutting their eyes and ears to the truth, they ought to remember what America is really about; that leadership is not insult or intimidation, it is the strength of making America safe. And they ought to remember what their responsibility is to every single American, and they ought to just focus on the work of doing that. That is what Americans expect of us, and that is what is going to make this country safer in the long run.

I yield the floor.

Mr. JOHNSON. May I direct a question to my colleague from Massachusetts?

Mr. KERRY. I am happy to yield for a question.

Mr. JOHNSON. Is it your view that Mr. Rove understands that the men and women in uniform in Afghanistan and Iraq are Republicans and Democrats in political registration and political philosophy, but they are Americans working together to protect us, to protect our Nation?

As my friend from Massachusetts knows, my oldest son, a staff sergeant in the U.S. Army, served in combat—he is a Democrat—in Afghanistan and Iraq. There is no political division among those young men and women fighting and endangering their lives each and every day in those countries. They are responding to the call of their country, to endanger their lives. They fought heroically, Republicans and Democrats alike. For anyone to suggest that there are differences of motive about protecting America, about responding to 9/11, is beyond the pale. Do you believe Mr. Rove understands that or do you believe that he honestly thinks that the defense of this country is a partisan issue?

Mr. KERRY. Mr. President, let me say to the Senator, first of all, every one of us is proud of him and proud of his family and proud of the service of his son. I remember talking to the Senator from South Dakota about how he felt while his son was in harm's way. If ever there were a sort of clear statement about the insult of Karl Rove's comments, it is the question asked by the Senator. I don't know if Karl Rove understands that. His comments certainly do not indicate it. But I will tell you this: It raises the question of whether he is, as many have suggested, prepared to say anything for political purposes.

I think he owes your son. I think he owes every Democrat. I have been to Iraq. I met countless soldiers who came

up to me and said, ''I voted for you'' or people who said ''I support you'' or people who said they are just Democrats. This comment by Karl Rove insults every single one of them who responded to the call of our country, as did every Senator on this side of the aisle in voting to go into Afghanistan and in supporting the troops across the board. If we are going to get things done and find the common ground here, this is not the way for the most senior adviser to the President to be talking about our country.

I remember the storm created in the last week over the comments of a Senator. Here is a senior adviser to the President of the United States who has insulted every Democrat in this country, every patriot in this country who is trying to do their best to protect our troops and provide good policy to our Nation. To suggest there was a weak response, when we voted 98 to 0, is an insult to that vote and to the unity of the moment and to the words of his own President, and I think he owes an apology to your son and to all of those soldiers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we are on the Energy bill at this moment and have put forth a unanimous consent that moves us forward. We have a finite list of amendments I will work with Senator JOHNSON on in the next few minutes. We are about to do a unanimous consent. Those who have amendments should come to the Senate so we can work out the time agreement as we work on the managers' package.

The majority leader is committed to finishing this bill tonight. If we line ourselves up and move in reasonable order with those amendments that will need votes, we might get out of here at a reasonable time. Other than that we could be here quite late.

I hope Senators who do have amendments remaining, and we have not worked them out, can work with us as we finalize the unanimous consent.

I am happy to yield.

Mr. DURBIN. I have one of those amendments. I am prepared to either discuss it or to wait until there is some agreement as to the order, sequence, and time of debate.

What would the Senator prefer?

Mr. CRAIG. I ask the Senator to hold for just a few moments until we work out a unanimous consent of order. We are about there. We have two or three Senators ready to go. We know of your concern and interest and the amendment to be offered. If the Senator withholds for a few moments, we can do that.

Mr. DURBIN. I thank the Senator.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, with the agreement of the distinguished manager, I ask for 10 minutes to speak on the subject of asbestos as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER are printed in today's RECORD under ''Morning Business.'')

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, we are now ready to proceed to continue, and hopefully within the next few hours finish this very important bill.

I ask unanimous consent Senator BAUCUS and Senator SCHUMER be recognized to offer amendment No. 810 and that there be 30 minutes equally divided in the usual form; provided further that following that time the amendment be temporarily set aside for Senator SUNUNU to offer amendment No. 873, and that there be 30 minutes for debate equally divided in the usual form. I further ask consent that following the use or yielding back of time, the Senate proceed to vote in relation to the amendments in the order offered with no second-degree amendments in order to the amendments and with 2 minutes equally divided for closing remarks prior to each vote.

Mr. DURBIN. Reserving the right to object, and I will not object, but I want to establish a spot in the queue. I have been waiting patiently for 2 days. I have said on the CAFE amendment I will be more than happy to allow Senators BOND and LEVIN to offer their alternative amendment at the same time, debate it at the same time, with an agreement on time limitation on debate, but my fear is we are going to drift into the night hours and drift away. I don't want that to happen.

I ask if the Senator would be kind enough to tell me what his intention is after we have completed these two amendments.

Mr. CRAIG. I appreciate the Senator's concern. He has every right to ask. The Senator is in the queue and on the list. We have worked out this tranche of amendments and we will now work to see when we can fit you in. I would hope sooner rather than later. So my advice would be to stick around.

Mr. DURBIN. Being on the Senator's list is as safe as being in a mother's arms.

Mr. SCHUMER. Reserving the right to object, as I understand it, the procedure precludes second degrees?

Mr. CRAIG. It does.

Mr. SCHUMER. The amendment I am going to offer—there is a friendly second degree that Senator KYL and I have agreed to.

As I understand it, Senator DOMENICI and his staff know of the Kyl amendment and approve of it. Senator KYL is on his way. If my colleague will yield, it is filed.

Mr. CRAIG. The Senator makes a good point.

I will withdraw the UC so we can get this solved. I would advise the Senator to start debating his amendment now, and let us see if we cannot resolve that. If you have opening remarks on your amendment, I believe this can be solved. I talked to Senator KYL on the issue. I will talk with staff, and we will move forward.

Is the Senator ready to proceed?

Mr. SCHUMER. I am. I do not have that much to say, and we limited the time. I do not want to finish before Senator KYL gets here. His staff has told him to get here. I guess I can talk about a lot of different subjects until he gets here.

Mr. CRAIG. I withdraw the UC for that purpose.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. First, Mr. President, I ask unanimous consent that following my remarks Senator KYL be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 810

Mr. SCHUMER. Mr. President, I rise today to offer an amendment with my colleague from Arizona to strike language from this Energy bill that would undermine years of progress toward combating nuclear terrorism in an effort to solve a problem that does not exist.

I want to repeat myself for the benefit of my colleagues. By weakening existing law, section 621 of this Energy bill would drastically undercut efforts to encourage reductions in the circulation of weapons-grade uranium and to defend against the specter of nuclear terrorism.

I have often said that the prospect of a nuclear attack on America's soil is our nightmare. That is why I, like many of my colleagues, have been so aggressive in pushing the administration to install nuclear detection devices in our ports, and to take other measures to make sure that nuclear materials cannot be obtained by terrorists and used against us. The human, environmental, and economic impact of such an attack on the United States—any part of our dear country—would be almost unfathomable.

So I urge my colleagues to contemplate that when they are examining what exactly the provision in the Energy bill would do. For years, we have prohibited what this provision of the Energy bill would allow.

The supporters of the language claim that it is necessary to avert an impending crisis in the supply of medical isotopes used in radiopharmaceuticals. A

look at the current isotope industry raises some serious questions as to whether that is what is really going on here. Isotope producers currently make isotopes for use in radiopharmaceuticals and other products by taking a mass of fissionable material, known as the fuel, and using it to shoot neutrons through another mass of fissionable material; that is, the target. Reactors have traditionally used highly enriched uranium, HEU, which can be used to make a nuclear bomb, for fuel and targets.

The Law that we enacted over 10 years ago, in the Energy Policy Act of 1992, has encouraged reactors to shift to low-enriched uranium. And the difference is very simple. It does the same medically, but it cannot be used to create a nuclear weapon. What we do in present law is require that any foreign reactor receiving exports of United States HEU, highly enriched uranium, work with our Government in actively transitioning to LEU, low-enriched uranium, the kind that cannot be used in bombs. It makes common sense, complete common sense. Why the heck would we want to encourage companies to have HEU?

Now, the language in the Energy bill undoes that. After 12 years of it working, after 12 years of everyone getting the medical isotopes they need, and after 12 years of moving countries away from HEU—highly enriched uranium, which bombs can be made from—to LEU, the language in the Energy bill needlessly and dangerously undercuts this requirement. What does it do? It exempts research reactors that produce medical isotopes from current U.S. law.

As our Nation continues to fight the war on terror, now is clearly the wrong time to relax export restrictions on bomb-grade uranium and potentially increase the demand for that material.

By increasing the amount of HEU in circulation around the world, the language in the Energy bill would create an unacceptable risk by heightening the possibility that weapons-grade uranium could be lost or stolen and fall into the hands, God forbid, of terrorists with known nuclear ambitions.

What makes this language even more astonishing is that it creates so much risk for no reward by claiming to fix a problem that does not exist. Supporters of the language argue we are in danger of running out of medical isotopes if the current law is not changed. All of the isotopes that can be produced with HEU can also be produced with LEU, which has no danger to us. And under current law, no producer has ever been denied a shipment of the material necessary to produce isotopes. Let me repeat that. No producer has ever been denied a shipment of the material necessary to produce isotopes.

In fact, the Department of Energy's Argonne National Laboratory has declared that the proposition that our supply of medical isotopes is in danger because LEU targets have not been developed is incorrect, and the U.S.-developed LEU target ''has been successfully irradiated, dissembled, and processed in Indonesia, Argentina, and Australia,'' a move from HEU to LEU because of our law.

Mr. President, I would like to be clear about one thing. I do not intend to trivialize in any way the plight of those suffering from illnesses overseas that require isotopes to treat. My colleagues and I who support this amendment take this point seriously and are unequivocally supportive of making sure that patients can get the medicine they need. In fact, if current law hindered the ability to get isotopes and treat the sick, maybe this debate would be different. But that is not the case.

Under existing law, medical isotope production capacity has grown to 250 percent of demand. Let me repeat that. Under present law, which the Energy bill seeks to change, medical isotope production capacity has grown to 250 percent of demand.

In addition, I repeat, no medical isotope producer has ever been denied a shipment of HEU as a result of the successful incentivization of efforts to convert to LEU.

Existing law guarantees continued use of HEU to produce medical isotopes until LEU substitutes are available, so long as the foreign producers cooperate on efforts to eventually convert to LEU.

For example, exports to Nordion, a Canadian producer, have never been affected by current law, and the company which is at issue here has several years' worth of material stockpiled at soon-to-be-operating reactors. Quite frankly, maybe we have given them too much access and made them complacent. Despite the efforts of the United States to operate in good faith and keep supplying Nordion, this company has decided to resist and slow-walk the conversion process to LEU.

Why? Because it may inconvenience them or cost them a few more dollars in the short run. So for one company, not an American company, we are going to increase the chances of nuclear terrorism by whatever amount with no benefit other than to that company because everyone is getting the isotopes. Maybe they can save a few dollars. If they think that the Senate is willing to risk a catastrophe for their convenience, they have another thing coming.

Existing law does not jeopardize an adequate supply of medical isotopes. Instead, it has been successful in enticing foreign operators to begin converting to LEU, thereby reducing the risk of proliferation.

The record shows that the program works. As a result of existing law, reactors in several nations have successfully instituted measures to convert to LEU. The Petten reactor in the Netherlands, where the major isotope maker Mallinckrodt produces most of its isotopes, will convert its fuel to LEU by 2006 because of incentives in the current law.

The Department of Energy has recognized the importance of this goal and the effectiveness of the program. Secretary Bodman has said we should set the goal of ending commercial use of weapons-grade uranium, and that the LEU allows great progress toward that end. The Department of Energy's Reduced Enrichment for Research and Test Reactors Program Web site states:

> This law has been very helpful in persuading a number of research reactors to convert to LEU.

So what we have here is an effort to undermine an existing program that has not had a negative impact on health care and has played a role in our fight against nuclear terrorism.

If the provision in the Energy bill does become law, make no mistake, it will create a proliferation risk. By increasing the amount of weapons-grade uranium in circulation, this bill would increase the likelihood that lost or stolen material would find its way into the wrong hands.

I know the list in this bill looks innocent enough with countries such as Canada, Germany, Belgium, the Netherlands, and France. However, four of these countries are members of the EU and subject to the U.S.-EURATOM Agreement on Nuclear Cooperation.

Under the agreement, these nations will not be required to inform the United States of retransfers of U.S.-supplied materials from one EURATOM country to another, report on alterations to U.S.-supplied materials, or inform the United States of retransfers of these materials from one facility in one country to another facility in that same country.

As a result, HEU could end up being directly sent to any of the 25 countries in the European Union, including those in which the Department of Energy is spending a considerable amount of money to remove existing HEU stockpiles.

So to my colleagues I say, if you support the language in the Energy bill, do not do it because of assurances that the countries the material is heading to are safe. In reality—in reality—we do not know this and cannot control where the material may end up. That is a terrifying thought.

In conclusion, the reality of this situation is that terrorists do not care if the weapons-grade uranium they can try to get their hands on was meant for a military or medical purpose. All we know they care about is how they can use it to attack our Nation and harm our way of life.

If we learned anything from the attacks on September 11, it should be that we can never again afford to underestimate the ingenuity or determination of those who would cause us harm. Likewise, we must take every step to ensure that they can never lay their hands on the materials they would need to launch an attack of mass destruction against the United States.

Mr. President, a needless risk is a reckless risk, and that is exactly the type of risk the language in the Energy bill lays before us. I urge my colleagues to support the existing law that has effectively combated nuclear proliferation without degrading the quality of health care in the United States by voting for my amendment, along with the friendly second-degree amendment that my colleague from Arizona, I believe, will offer.

Mr. President, under the unanimous consent agreement, I now yield to my colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank you. I think what we are going to be able to agree to is that after the proponents and opponents of the Schumer amendment have concluded their debate, we will have an up-or-down vote on the Schumer amendment. In either event, I believe we could at that point get a unanimous consent agreement that the study and report called for in the Kyl second-degree amendment could be voted on by voice vote.

But until Senator BOND is available to confirm that, we do not need to propound that particular request. So we should simply go ahead with the debate on the underlying Schumer amendment. Given the fact that Senator SCHUMER just spoke in favor of that, let me simply take about 2 minutes to second what Senator SCHUMER did and then turn time over to an opponent of the amendment, perhaps the Senator from North Carolina.

Mr. CRAIG. Mr. President, will the Senator from Arizona yield?

Mr. KYL. Yes.

Mr. CRAIG. Mr. President, as we tried to craft the UC, we gave this issue of the Schumer amendment 30 minutes. So I would hope we could keep in the spirit of 15 and 15 so we can keep ourselves on track this evening. So the opponents would have 15 minutes, as we finish fashioning this UC.

Mr. KYL. If I could, Mr. President, just inquire of the manager of the bill, we don't have a set 30 minutes yet, but that is the desire; is that correct?

Mr. CRAIG. We are hoping that adds in.

Mr. KYL. Mr. President, let me take a moment to say that I totally agree with Senator SCHUMER that we need to restore existing law in this area. The reason is because highly enriched uranium is used to build bombs. We want to be very careful how we export that. In the case of the production of medical isotopes, we do need to export it because that is all that is available right now to produce medical isotopes in relatively large quantities. Low enriched uranium for a target for these isotopes is a process that scientifically works. We are trying to work out whether or not it can happen on a large-scale production basis. Current law says we will continue to export highly enriched uranium as long as the recipient of that highly enriched uranium is working with the United States cooperatively to try to get to the production of these isotopes with low enriched uranium. That is a goal that I think everybody agrees with. We need to have that incentive so that when we export this, we are exporting it to somebody that is cooperating with us.

What the Energy bill did was to eliminate that requirement of cooperation. It is stricken from the language. That is wrong. If we want an incentive for people to continue to work with us, we have to retain the existing law's language. That is why the Schumer amendment is critical, to ensure that we can both continue to produce these medical isotopes, but also to do so in a way that does not proliferate highly enriched uranium around the world.

The manufacturer of this product in Canada has enough of this material right now to build a couple of bombs. In Canada that is probably OK, as long as they continue to cooperate with us. But you eliminate that requirement of cooperation, all of us will have a real problem on our hands. Were something bad to happen, each one of us would be responsible for that. That is the reason the Schumer amendment is so important.

My second-degree amendment, if it is agreed to, simply requires a study and report to us about the status of the development of this technology, whether it is cost beneficial and whether it is scientifically achievable.

With that, let me yield the floor to an opponent of the amendment.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from North Carolina.

Mr. BURR. Mr. President, I rise in opposition to the Schumer amendment. Let me compliment Senator KYL for his willingness, over the last 24 hours, to try to bring assurances, through some consensus legislation, of where we both agree we need to get to, that we had language that would do it. We do have a slight disagreement because I believe the language that is in the bill does meet the move towards low-enriched uranium. I believe that the health of the American public should be at the forefront of our consideration. Because if, in fact, we adopt a policy that eliminates the availability of radiopharmaceuticals, then we have greatly affected the diagnostic capabilities that exist, that technology has created over the last decade and, in many cases, the treatments for cancer. An interruption that happened from even the Canadian source before meant that doctors were rationed on what they could receive in radiopharmaceuticals. We know how fragile this is because we are reliant on reactors outside this country for those radiopharmaceuticals.

Senator KYL and, hopefully, Senator SCHUMER agree that when this is all decided—and I hope it is decided with the language that the entire Energy Committee worked on and what is in the House language and has been there—when it is all said and done, I hope we find a way to either get the Department of Energy or somebody to begin to produce low-enriched uranium in this country. It is an awful policy that we still turn outside the country for those reactors to produce the medical isotopes, but there is a rich history of that. The Department of Energy has looked at this since 1992. They looked at Los Alamos and using the reactors there to begin to make low-enriched uranium. Then they looked at Sandia. Then they talked about privatizing Sandia. The net result was, in the year 2000, the Department of Energy came to the conclusion that they were going to disband this effort, that they couldn't figure out how to do it. The fact is, there is not a lot of profit generated from it. But this is clearly a treatment that will grow as researchers find new tools for it.

I know there is an attempt to try to address a time limit here, but I am not sure that we can put a time limit on all the patients in America that are relying on the decision we are going to make tonight. We would spend a lot more time on individual health bills.

Nuclear medicine procedures using medical isotopes are heart disease, cancer, including breast, lung, prostate, thyroid and non-Hodgkin's lymphoma, and brain, Grave's disease, Parkinson's, Alzheimer's, epilepsy, renal failure, bone infections. Our ability to take radioisotopes and send them to an organ, where now we can see that organ without an incision, without opening a person up, a noninvasive way to determine exactly what is happening in the human body and, on the oncology side, a way to treat cancers, when we can take the chemotherapy product and send it right to where we want those cells to be killed.

I would like to submit, for the record, a letter from the Nuclear Regulatory Commission because they have commented on this language. I ask unanimous consent to print it in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. NUCLEAR REGULATORY COMMISSION,
Washington, DC, June 3, 2004.

Hon. CHRISTOPHER S. BOND,
Chairman, Subcommittee on Transportation and Infrastructure, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to the letter of April 20, 2004, from you and Senator Inhofe, requesting information on the security measures employed by the NRC regarding the licensing and transport of high-enriched uranium (HEU).

As you noted in your letter, the NRC has twice provided comments on the provision related to export shipments of HEU used in medical isotope production (a letter signed by Chairman Meserve to Representative Tauzin, dated March 31, 2003, and a letter signed by me to the members of the Conference

Committee considering the differing versions of H.R. 6, the ''Energy Policy Act of 2003,'' passed by the Senate and the House of Representatives, dated September 5, 2003). The NRC continues to have no objections to the provision pertaining to the export of HEU targets for the production of medical isotopes by specified countries. The NRC continues to believe that the enactment of this measure could be of benefit in ensuring the timely supply of medical isotopes in the United States.

Additional information responding to your specific questions is provided in the Enclosure. If you have any further questions or comments, please feel free to contact me.

Sincerely,

NILS J. DIAZ.

Mr. BURR. They have been consulted. They are the agency that determines whether a license is granted. It was suggested that this is some willy-nilly program, that anybody who wants to send highly enriched uranium out to a reactor somewhere just simply does that, and hopefully we get back radiopharmaceuticals. That is not the case. This is a very stringent licensing program, where they apply to the Nuclear Regulatory Commission. They are instructed by the Atomic Energy Act as to the process they go through, currently in the law, that was written by Senator SCHUMER in 1992. Over the years, the interpretation of that provision has changed. Over the years, that has caused indecision at the Nuclear Regulatory Commission.

It was that indecision, that vagueness in the current law that Senator SCHUMER is attempting to strike and go back to provision in law that the Nuclear Regulatory Commission has said: We don't feel that we can successfully make this evaluation without you clarifying the parameters you want us to be in.

So in short, we asked the Nuclear Regulatory Commission to write us on the language and asked them if it cleared it up, asked them if, in fact, this gave them the proper direction from the Senate, from the Congress. This is the letter back from the Nuclear Regulatory Commission that says:

The NRC continues to have no objections to the provisions pertaining to the export of HEU targets for the production of medical isotopes by specified countries.

I know there are others anxious to speak. I have so much more to say. I see the chairman of the bill has stood and may have a unanimous consent request. I am not sure. But I would like to see if my colleague from Arkansas is prepared to speak in opposition to the Schumer amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I would like to take a few moments. I rise to join the Senator from North Carolina in speaking in opposition to the Schumer amendment. I certainly am concerned that the amendment before us would remove a carefully crafted provision from the bill that seeks to ensure that Americans will maintain a reliable supply of medical isotopes or the radiopharmaceuticals used to diagnose and treat so many diseases. We are on the brink, all of us here, working hard to increase funding for the discovery of eliminating these diseases. In the meantime, being able to provide the hope to those who suffer from these diseases is so critically important.

These diseases include everything from heart disease to hyperthyroidism, Parkinson's disease, Alzheimer's, epilepsy, kidney failure, bone infection, brain cancer, lung cancer, prostate cancer, thyroid cancer, non-Hodgkin's lymphoma, and brain cancer—so many of these that plague the lives of Americans who can get some relief from the medical treatment that is provided by these medical isotopes.

At least 14 million Americans are diagnosed and treated with medical isotopes each year. While I believe America should continue in the vein of developing policies consistent with our nonproliferation goals, we must make sure that these and future patients do not lose access to the radiopharmaceuticals. We cannot move forward in a way toward nonproliferation and wrest the responsibility, not knowing full well what the future might be for these patients and their needs.

I support the provision in the underlying bill, as was mentioned by my colleague from North Carolina, that was carefully crafted in the committee to take into consideration all of these needs, making sure that we are recognizing the sensitivity and the caution that needs to exist and yet recognizing that the development of technologies and new information and medical treatments are something that are vital to these 14 million Americans.

The provision in the underlying bill permits the export of the highly enriched uranium used only for the production of the medical isotopes until a low-enriched uranium alternative is commercially viable and available. We know that those are also issues. We talk about the reimportation of those isotopes, making sure that the production of them is something that is going to continue in order to make sure that the access to these pharmaceuticals is available.

This provision is balanced, it is fair, and it is supported by the nuclear medicine community, including those in my home State of Arkansas. I urge my colleagues to vote against this amendment. Vote against it so that patients do not lose their access to these very necessary drugs.

I don't know that my colleagues have mentioned all of those in support of this effort: The American College of Nuclear Physicians, the American College of Radiology, the American Society of Nuclear Cardiology, the Council on Radionuclides and Radiopharmaceuticals, the National Association of Cancer Patients, the National Association of Nuclear Pharmacies, the Nuclear Energy Institute, and the Society of Nuclear Medicine.

We have an opportunity to stay on course with something that has been negotiated and very thoroughly vetted in the underlying bill that will keep us on the right track and make sure that these 14 million Americans and their families will continue to have the access to these pharmaceuticals that they need while we continue to work forward in the manner which we can to make sure that all of the safety and caution that needs to be there is there, will remain there, while we still enjoy the unbelievable technologies that have been discovered in recent medicine.

I thank the Senator from North Carolina for yielding. I do encourage my colleagues to rise in opposition to the amendment so that we can go back to what is in the underlying bill. I think it will prove well for all of those who suffer from many diseases that we can treat with these medical isotopes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I will attempt to offer a unanimous consent now that will finalize action on the Schumer amendment and move us to the Sununu amendment.

I ask unanimous consent that Senator SCHUMER be recognized to offer his amendment No. 810 and that there be—there has already been approximately 30 minutes of debate on this. I ask for another 30 minutes, and I would hope that my colleagues would use it wisely and judiciously or we will be here until early tomorrow morning, that 30 minutes be equally divided in the usual form; provided further that following that time, the amendment be temporarily set aside for Senator SUNUNU to offer amendment No. 873, and that there be 30 minutes for debate equally divided in the usual form. I further ask consent that following the use or yielding back of time, the Senate proceed to votes in relation to the amendments in the order offered, with no second-degree amendments in order to the amendments, and with 2 minutes equally divided for closing remarks prior to each vote; provided further that following the vote in relation to the Schumer amendment, the Kyl amendment, No. 990, as modified, be considered and agreed to.

Finally, Senator BOND will be allocated 7 minutes prior to the vote on or in relation to the Schumer amendment. That will come out of the 15 minutes allocated of the 30 for debate on the Schumer amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, so long as the unanimous consent agreement did not say that the last word was Senator BOND. The last word is ordinarily reserved for the proponent of the amendment.

Mr. CRAIG. That is the intent. It is just to secure for Senator BOND 7 minutes of debate on the Schumer amendment prior to the vote.

Mr. KYL. Further reserving the right to object, would the manager of the bill

at this time have an estimate—we will temporarily lay this aside for the presentation of another amendment and then back to this amendment and, with the 30 minutes, presumably, we would be voting at about 6 o'clock, or thereabouts; is that correct?

Mr. CRAIG. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 810

Mr. SCHUMER. Mr. President, I call up my amendment No. 810.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York, [Mr. SCHUMER], proposes an amendment numbered 810.

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike a provision relating to medical isotope production)

Beginning on page 395, strike line 3 and all that follows through page 401, line 25.

Mr. SCHUMER. Mr. President, I will let some of the opponents speak now, since I have spoken, unless my colleague from Arizona would like to speak. We could have some of the opponents go.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will speak very briefly in opposition to the Schumer amendment.

Since 1971, there have been more than 45 million successful shipments of radioactive materials. And the Nuclear Regulatory Commission tracks and licenses all of these statements of medical isotope production. The NRC takes its job very seriously. This is a phenomenally safe track record that we are involved in.

My colleagues from North Carolina and Arkansas have talked of the tremendous importance of being able to have adequate supplies of radioisotopes. Doctors conduct 14 million procedures each year in the United States using medical isotopes to diagnose and treat cancer, heart disease, and other serious sicknesses. The Senator from North Carolina has clearly laid out why this language is in this bill, and it is important.

Mr. President, hundreds, of thousands of Americans depend on medical isotopes to diagnose and treat life-threatening diseases.

It is also a fact that we do not produce these isotopes in the United States. We must ship enriched uranium to producers in Canada and Western Europe that produce the isotopes and return them to hospitals in the United States.

Yet some of my colleagues ask: Why must we ship these isotopes internationally at all? Does this pose security risks?

My answer: An emphatic no!

Let me explain why . . .

It is understandable to be concerned about the shipment of enriched uranium outside of the United States. And, of course, I share your concern. But it is important to recognize that these shipments are safe and secure.

The U.S. Nuclear Regulatory Commission tracks and licenses all of the shipments for medical isotope production. The NRC takes its job very seriously.

The shipments are carefully tracked by the NRC and corresponding agencies in Canada and Western Europe throughout their journey. They are subject to the same sort of strict guidelines in these countries that they are under in the United States.

Since 1971, there have been more than 45 million successful shipments of radioactive materials. Shippers, State regulators, government agencies, and international organizations carefully handle and track each and every shipment—time after time. The result: The isotopes can do what they are made for—fight deadly disease.

Doctors conduct 14 million procedures each year in the United States using medical isotopes to diagnose and treat cancer, heart disease and other serious sicknesses. We must ensure a reliable supply of medical isotopes so that doctors can carry out these procedures.

The diagnosis and treatment of diseases like cancer, heart disease and other dreaded diseases depend on radiotherapy using medical isotopes. Doctors and patients depend on a stable supply of medical isotopes.

That supply depends on the assurance that these isotopes are transported safely and securely. And they are. But the NRC must have the tools it needs to carry out its mission.

This bill before us today helps the NRC to effectively license these shipments so that supply of medical isotopes is there when we need them.

I urge my colleagues to support this important and timely legislation as written, to insure a reliable supply of isotopes to help treat and diagnose heart disease; cancer, including breast, lung, prostate, thyroid cancer, Non-Hodgkin's Lymphoma, and brain; Grave's Disease (hyperthyroidism); Occult infection (in AIDS); Parkinson's Disease; Alzheimer's Disease; Epilepsy; Renal (kidney) Failure; and Bone Infections.

I yield the floor and ask my colleagues to oppose the Schumer amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I was not on the floor when the unanimous consent request was proposed. It is not typical to have 7 minutes on the other side and only 1 for us right before the amendment.

I ask unanimous consent that 7 out of our 15 minutes be used right before the vote on the Schumer-Kyl amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I will speak for a moment. I am responding both to the senior Senator from Idaho and also the Senator from Arkansas. The Senator from Idaho is correct. Under existing law, we have had numerous shipments since 1992, and we have been producing these medical isotopes, and everything has been fine. That is what the Schumer amendment seeks to do—to ensure that the existing law is in place. So that condition the Senator from Idaho spoke to is precisely the good condition that would prevail if the Schumer amendment is adopted and we return to existing law.

The problem is that an amendment was inserted in the Energy bill in committee which strikes existing law and eliminates the requirement that the recipient of this highly enriched uranium provide assurances to the United States that it is cooperating with us to move to a low-enriched uranium target. That is everybody's goal. Nobody disagrees with that goal.

But because of that amendment, we would no longer have the assurance that we could eventually get off of highly enriched uranium—which is used to build nuclear bombs—and get to low-enriched uranium. This is a proliferation issue, not a medical issue. That is what I say to the Senator from Arkansas.

There is no suggestion that there is going to be any lack of medical treatment as a result of the existing law. Since 1992, we have had medical isotopes available for treatment, and we are going to have them available in the future. There is nothing in existing law that takes away from that. There is an attempt by somebody to scare people into believing that somehow or another the existing law—in effect since 1992—is somehow going to result in a lack of medical isotopes. That is false, and it is pernicious. Whoever is trying to spread this notion should not do that because it will scare people into thinking there are not going to be medical isotopes available for treatment. Nothing could be further from the truth. Existing law has worked. Not once has an export license been denied. So let's forget this scare tactic. We are going to have the medical isotopes that we need.

The real question here is proliferation. We have had a law that has worked very well since 1992. We are trying to move toward low-enriched uranium. Listen to what the Secretary of Energy has had to say about this. In a speech delivered on April 5, Secretary Samuel Bodman said:

We should set a goal of working to end the commercial use of highly enriched uranium in research reactors.

The availability today of advanced, high-density low enriched uranium fuels allows great progress toward this goal.

The Department of Energy's Reduced Enrichment for Research and Test Reactors program Web site states:

This law has been very helpful in persuading a number of research reactors to convert to LEU.

That is existing law, which we want to retain. Why would we want to strike the one provision in existing law that helps us to achieve this goal? The provision that says that the recipient of this highly enriched uranium has to provide assurances to the United States that it is cooperating with us toward this goal—something is going on here, Mr. President, and it is not good.

Let me also say, with regard to this myth about the lack of medical isotopes, the fact is that DOE's Argonne National Laboratory characterized this very claim as a ''myth,'' adding that the U.S.-developed low-enriched uranium foil target ''has been successfully irradiated, disassembled, and processed in Indonesia, Argentina, and Australia.'' Furthermore, HEU exports for use as targets in medical isotope production are not prohibited under current law, and no such export has ever been denied under that law, as I said. Current law is intended to encourage conversion to low-enriched uranium, which can't be used to make nuclear bombs. But in no way does it prohibit the export of highly enriched uranium. We are not at the technological stage where we can mass produce through low-enriched uranium.

The bottom line is this: Current law has been working, as the Senator from Idaho so eloquently noted. It provides the medical isotopes we need. No export license has ever been denied. Recently, the Secretary of Energy made the point that we are trying to convert, eventually, to low-enriched uranium, and the current law that requires recipients of highly enriched uranium to work with us toward that goal has worked very well toward this end.

Why would we eliminate that requirement of cooperation, when we are trying to make sure that this highly enriched uranium doesn't proliferate around the globe? As I said, a company in Canada that is currently working with us has enough of this stuff for two bombs. It would not be a good idea for us to allow further proliferation of highly enriched uranium around the world when we are concerned about terrorists getting a hold of a nuclear weapon. Let's keep the law in place. I urge my colleagues to support the Schumer amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I have all the respect in the world for my colleague, Senator KYL. I think it is reasonable in life that two people can disagree on what something says.

In this particular case, an entire committee looked at it, the Nuclear Regulatory Commission. When the question is asked, Who asked for change? the answer is simple: The Nuclear Regulatory Commission. This is with over 10 years of working with the current language. And as time has gone on and technology has changed, and as the requirement for the size of what we needed in radioisotopes has changed, it was the Nuclear Regulatory Commission that, in fact, suggested they needed Congress's help.

Let me address the last fact Senator KYL brought up. One, only Argentina currently produces medical isotopes using LEU target technology, which is unable to even meet the current needs in Argentina medical community. Indonesia has ceased any further testing of the U.S.-developed LEU through the technical obstacles. We all want low-enriched uranium. After this is over, I hope this body will take on that challenge, the challenge of domestically producing medical isotopes and the Department of Energy will probably have a hold of the tiger that we give them when we instruct the Department to go back to what they dropped in 2000, after they have reviewed it, and look at our reactors here and how we accomplish production, whether we can make money at it or not.

I want to go back to health, though. Some have suggested that health is not important. Health is important. I list it up here on the chart. Annually, over 14 million nuclear medicine procedures are performed in the United States that require medical isotopes manufactured from highly enriched uranium. Patients and doctors in the United States are 100 percent reliant on the import of medical isotopes that are used with highly enriched uranium. That is a fact. Every day, over 20,000 patients undergo procedures that use radiopharmaceuticals developed to diagnose coronary artery disease and assist in assessing patient risk for major cardiac-related deaths, such as strokes.

This is not just what we treat; this is what we prevent from happening through this diagnostic tool. The CDC estimates that 61 million Americans—almost one-fourth of the U.S. population—lives with the effects of stroke or heart disease, and heart disease is the leading cause of disability among working adults.

Medical isotopes are one of the tools used to diagnose and treat many forms of cancer, as we have listed. Medical isotopes are also used to help manage pain in cancer patients, such as decreasing the need for pain medication when cancer spreads or metastasizes to the bone. Thyroid cancer. Radiopharmaceuticals are used to diagnose and treat thyroid disorders and cancer which, according to the American Cancer Society, is one of the few cancers where the incident rate is increasing.

Mr. President, we are talking about dealing with real health problems that are on the rise, and technology can come up with new treatments. But that treatment is held in limbo until we decide. Non-Hodgkins lymphoma is the fifth most common cancer in the United States. According to the American Cancer Society, approximately 56,000 new cases of non-Hodgkins lymphoma will be diagnosed in the year 2005. The voice of proliferation, Alan Kuperman, of the Nuclear Control Institute, said this about the language that is currently in the Energy bill:

This provision is not controversial and, thus, likely to remain in the energy bill when and if it is enacted.

He went on to say:

Ironically, an amendment originally drafted to pave the way for continued HEU exports [which is his interpretation, not that of the committee] for isotope production may have the unintended consequences of terminating them.

That is exactly the opposite of what those who suggest the need for this amendment is. Even the person who is the most outspoken in this country says: You know what. What the Energy Committee has done will force us into the use of low-enriched uranium.

In fact, this tells me from the person who is the most outspoken that our committee has done exactly what we attempted to do. We have written exactly the right language.

Without a secure and permanent supply of medical isotopes, it is unlikely that new nuclear medicine procedures will be researched or developed. If, in fact, we suggest we will cut off this source, why would any researcher around this country look at how to further what they can do with medical isotopes?

My colleague from Arkansas stated it very well. This is not just Members of the Senate who are suggesting we have read the language and it is right; it is the American College of Nuclear Physicians, the American College of Radiology, the American Society of Nuclear Cardiology—and the list goes on. Every Member can see it. Can this many health care professionals be wrong?

Separate this, as Senator KYL suggested. This is a proliferation issue, and it is a health issue. As to the health issue, I do not think anybody questions the value of this product for the health of the American people.

There is no better gold standard on deciding whether an application or license should be approved than the Nuclear Regulatory Commission. The Nuclear Regulatory Commission is still in charge of this process. That has not changed. It will not change. If it is a national security risk, it will not just be the Nuclear Regulatory Commission that screams, it will be the Government—the House and Senate, the White House—that screams.

The PRESIDING OFFICER. There is 7 minutes remaining to the opposition which has been allocated to Senator BOND.

Mr. BURR. Mr. President, I want to maintain the 7 minutes for Senator BOND. I thank Senator KYL for the gracious way we tried to negotiate. I think it is unfortunate that we have not. I urge Senators to defeat this amendment. Protect the patients.

Mr. CRAIG. Mr. President, how much of that time remains of the window of 7 minutes for the Schumer side?

The PRESIDING OFFICER. There is 10 minutes remaining on the Schumer side.

Mr. CRAIG. A total of 10.

Mr. KYL. Mr. President, let me use part of that 3 minutes right now to ask unanimous consent to print in the RECORD a statement and a letter from the Physicians for Social Responsibility, dated June 20, 2005. I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STOP THE PROLIFERATION OF WEAPONS-GRADE URANIUM

SUPPORT THE SCHUMER AND KYL AMENDMENTS TO THE ENERGY BILL

Senator SCHUMER and Senator KYL intend to offer amendments (Amendments 810 and 990, respectively) to the Energy Bill to eliminate language that would undermine U,S. efforts to encourage reductions in the circulation of weapons grade uranium. Senators SCHUMER and KYL urge their colleagues to support these amendments, which will maintain current restrictions on the export of bomb-grade uranium and reduce the possibility that nuclear material will wind up in terrorists' hands.

Isotope producers currently make isotopes for use in radiopharmaceuticals and other products by taking a mass of fissionable material, known as fuel, and using it to shoot neutrons through another mass of fissionable material, the target. Reactors have traditionally used highly enriched uranium (HEU), which can be used to make a nuclear bomb, for fuel and targets. Language in the Energy Policy Act of 1992 has encouraged reactors to shift to low-enriched uranium (LEU), which cannot be used to create a nuclear weapon, by requiring any foreign reactor receiving exports of U.S. HEU to work with the United States in actively transitioning to LEU.

Section 621 of the Energy Bill dangerously undercuts this requirement by exempting research reactors that produce medical isotopes from current U.S. law. It would weaken efforts to reduce the amount of weapons-grade uranium in circulation around the world and reward producers that have been most resistant to complying with U.S. law. It would do so by allowing facilities to avoid ever having to move to an LEU ''target'', even if it is technically and economically feasible to do so. This is in direct contradiction to Secretary of Energy Bodman's call to ''set a goal of working to end the commercial use of highly enriched uranium in research reactors.''

As our nation continues to fight the War on Terror, now is clearly the wrong time to relax export restrictions on bomb-grade uranium and potentially increase the demand for that material. Not only does the language in the Energy bill pose a threat to national security, it seeks to fix a problem that does not exist. Supporters of the language argue that we are in danger of running out of medical isotopes if current law is not changed. No producer has ever been denied an export license for HEU to be used in medical isotope production because of the restrictions in the 1992 Energy Policy Act. Indeed, all that a facility must do to continue to receive these exports is work in good faith with the United States on eventual conversion to LEU when it is technically and economically feasible. This is not an unreasonable standard, it does not jeopardize our supply, and it is, as intended, encouraging conversion.

Senator SCHUMER plans to offer a first degree amendment to strike section 621. Senator KYL will second degree his amendment with a requirement for a study. The rationale is that it is prudent to conduct a comprehensive study before we even consider lifting the restrictions, as opposed to after lifting them, as the Energy bill language would do.

MEDICAL ISOTOPE PRODUCTION: MYTHS AND FACTS

Myth: Our supply of medical isotopes is in danger because LEU targets have not been developed, and an adequate supply of medical isotopes cannot be produced with LEU.

Fact: The Department of Energy's Argonne National Laboratory characterizes this claim as a ''myth,'' adding that the US-developed, LEU foil target ''has been successfully irradiated, disassembled, and processed in Indonesia, Argentina, and Australia.'' Furthermore, HEU exports for use as targets in medical isotope production are not prohibited under current law, and no such export has ever been denied under that law. Current law is intended to encourage conversion to low-enriched uranium, which cannot be used to make a nuclear bomb. It is working without jeopardizing our supply of medical isotopes.

Myth: Section 621 has broad agency support.

Fact: The fact is that the United States has a long-established policy of reducing HEU exports. In a speech delivered on April 5th, Secretary of Energy Bodman stated, ''We should set a goal of working to end the commercial use of highly enriched uranium in research reactors. The availability today of advanced, high-density low-enriched uranium fuels allows great progress toward this goal.'' The Department of Energy's Reduced Enrichment for Research and Test Reactors program website states, ''This law has been very helpful in persuading a number of research reactors to convert to LEU.''

Myth: Existing law needs to be weakened to ensure a reliable supply of medical isotopes for use in medical procedures.

Fact: Under existing law, medical isotope production capacity has grown to 250% of demand. In addition, no medical isotope producer has ever been denied a shipment of HEU as a result of the successful incentivization of efforts to convert to LEU. The Schumer-Kyl amendments would guarantee continued use of HEU to produce medical isotopes until LEU substitutes are available, so long as foreign producers cooperate on efforts to eventually convert to LEU when possible. For example exports to Nordion, a Canadian producer, have never been affected by current law and the company has several-years worth of material stockpiled at soon-to-be-operating reactors.

Myth: Weakening existing law will not create a proliferation risk.

Fact: Weakening existing law will increase the amount of HEU in circulation and the frequency with which it is transported, resulting in a greater proliferation risk of loss or theft. For example, Section 621 exempts five countries from current law restrictions, including four members of the European Union. These four nations would be subject to the requirements of the U.S.-EURATOM Agreement on Nuclear Cooperation. Under the EURATOM agreement, EURATOM countries are not required to inform the U.S. of retransfers of U.S.-supplied materials from one EURATOM country to another, report on alterations to U.S.-supplied materials, or inform the U.S. of retransfers of these materials from one facility in one country to another facility in that same country. As a result, HEU could end up being indirectly sent to any of the 25 countries in the European Union including those in which the Department of Energy is spending a considerable amount of money to remove existing HEU stockpiles.

Myth: Existing law has not been effective in decreasing the risk of proliferation.

Fact: As a result of existing law, reactors in several nations have successfully instituted measures to convert to LEU. For example, the Petten reactor in the Netherlands, where the major isotope maker Mallinckrodt produces most of its isotopes, will convert its fuel to LEU by 2006 because of incentives in the existing law. The Department of Energy's Reduced Enrichment for Research and Test Reactors program website states, ''This law has been very helpful in persuading a number of research reactors to convert to LEU.''

PHYSICIANS FOR SOCIAL RESPONSIBILITY,
Washington, DC, June 20, 2005.

U.S. Senate,
Washington, DC.

DEAR SENATOR: Physicians for Social Responsibility (PSR), representing 30,000 physicians and health professionals nationwide, is writing to urge you to reject a provision in the Energy Policy Act of 2005 (Section 621 of the nuclear title, ''Medical Isotope Production'') that would seriously weaken export controls on highly enriched uranium (HEU), the easiest material for terrorists to use to make a nuclear bomb. As physicians and health care professionals, we support the use of medical isotopes, but this legislation is not necessary to ensure the supply of medical isotopes to U.S. hospitals and clinics. We urge you to support instead the amendment offered by Senators Chuck Schumer (D–NY) and Jon Kyl (R–AZ), which would retain current HEU export control provisions.

Under existing law, medical isotope production capacity has grown to 250 percent of demand. In addition, no medical isotope producer has ever been denied a shipment of HEU as a result of the successful incentivization of efforts to convert to LEU. The Schumer-Kyl amendment would guarantee continued use of HEU to produce medical isotopes until LEU substitutes are available, so long as foreign producers cooperate on efforts to eventually convert to LEU when possible. For example exports to Nordion, a Canadian producer, have never been affected by current law and the company has several-years worth of material stockpiled at soon-to-be-operating reactors.

Moreover, there is no shortage of medical isotopes. An April 2005 paper entitled ''Production of Mo–99 in Europe: Status and Perspectives,'' by Henri Bonet and Bernard David of IRE, a major producer of medical isotopes, reports both ''current production'' and ''peak capacity'' production by the major isotope producers at the major reactors used for isotope production. Nordion's current production is 40 percent of current world demand. The firms IRE and Mallinckrodt (Tyco-Healthcare), at Petten and BR–2, together currently produce 39 percent of current world demand. But their peak capacity production is 85 percent of current world demand. That means that IRE and Mallinckrodt, by themselves, could more than replace Nordion's entire current production.

In addition, the Safari reactor in South Africa currently produces 10 percent of current world demand. But its peak capacity is 45 percent of current world demand. That means that the South African reactor, by itself, could almost entirely replace Nordion's entire current production.

A final illustrative statistic is that worldwide peak capacity production today is 250 percent of current world demand. So, we do indeed have a surplus of production capacity. Worldwide production capacity is more than twice worldwide demand.

There is therefore absolutely no need to put Americans at risk of nuclear terrorist attack by loosening rules on international shipments of HEU. We would gain nothing from repealing the Schumer Amendment but an increased proliferation threat.

Existing law limiting U.S. HEU exports (Section 134 of the Atomic Energy Act, known popularly as the Schumer amendment) has been on the books for more than a decade, and there is no evidence that it has interfered in any way with the supply of medical isotopes in the past, or that it will suddenly begin to do so in the future. The law as it stands allows continued export of HEU to producers of medical isotopes, as long as they agree to convert to low-enriched uranium (which cannot be used as the core of a nuclear bomb) when it becomes technically and economically possible to do so, and to cooperate with the United States to bring that day closer. We strongly believe that this law has served our country well for more than ten years, drastically reducing commerce in potential bomb material while ensuring continued supplies of needed medicines, and that this is the right policy to maintain for the future. This law directly supports the call of Energy Secretary Samuel Bodman, made in a speech on April 5, to ''set a goal of working to end the commercial use of highly enriched uranium in research reactors.''

The purpose of Schumer amendment was to phase out HEU exports in order to reduce the risk of this material being stolen by terrorists or diverted by proliferating states for nuclear weapons production. The law bars export of HEU for use as reactor fuel or as targets to produce medical isotopes, except on an interim basis to facilities that are actively pursuing conversion to low-enriched uranium (LEU), a material that, unlike HEU, cannot be used to make a Hiroshima-type bomb. Because the United States has been the primary world supplier of HEU, the law provides a strong incentive for reactor operators and isotope producers to convert their operations from HEU to LEU. The law does not impose an unreasonable burden on isotope producers and indeed exempts them if conversion would result in ''a large percentage increase in the total cost of operating the reactor.''

This is entirely in line with administration policy. President Bush has repeatedly said that the deadliest threat facing the United States is that of terrorists armed with nuclear weapons. Repealing the Schumer amendment would make access to HEU easier, and thus a terrorist nuclear attack on an American city more likely. It is further likely that countries such as Latvia, Poland and Hungary would be allowed to receive retransfers of U.S. HEU, despite holding poorly safeguarded stocks of this material already. Once this material gets into the hands of terrorists, it is a relatively simple task to produce a crude nuclear weapon that could kill hundreds of thousands of people if exploded in a major city. It makes no sense to take action that would not make our medical isotope supply more secure, but would increase the terrorist threat to our cities.

The legislation on which you are about to vote would eliminate the Schumer amendment's legal restriction on supply of HEU to the main producers of medical isotopes and thereby dramatically reduce their incentives to convert from HEU to LEU. The likely result would be perpetual use of HEU by these isotope producers instead of the phase-out foreseen by current law. Worldwide, such isotope production now annually requires some 50–100 kg of fresh HEU, sufficient for at least one nuclear weapon of a simple design, or several of a more sophisticated design. (Each of the world's major isotope production facilities already requires annually about 20 kg of fresh HEU.) If conversion to LEU is derailed, the annual amount of HEU needed for isotope production is likely to grow in step with the rising demand for isotopes. Moreover, after the HEU targets are used and processed, the uranium waste remains highly enriched (exceeding 90 percent), and cools quickly, so that within a year the remaining HEU is no longer ''self-protecting'' against terrorist theft. Thus, substantial amounts of weapon-usable HEU waste accumulate at isotope production sites, presenting yet another vulnerable and attractive target for terrorists.

Contrary to its stated intent, section 621 would do nothing to ensure the supply of medical isotopes to the United States because that supply is not currently endangered by restrictions on exports of HEU. The United States now gets most of its medical isotopes from the Canadian supplier Nordion, which still produces such isotopes at its aging NRU reactor and associated processing plant. The Schumer Amendment does not block continued export of HEU for isotope production at this facility prior to its impending shutdown. In addition, Nordion has stockpiled four years' worth of HEU targets specially designed for its new isotope production facility, which is scheduled to commence commercial operation soon. Even in the unexpected circumstance that Nordion's isotope production were to cease, the United States could turn to alternate suppliers in the Netherlands, Belgium, and South Africa that currently enjoy excess production capacity.

We wish to underscore that the existing law does not discriminate against Canada or any other foreign producer. Indeed, in 1986, the U.S. Nuclear Regulatory Commission (NRC) ordered all domestic, licensed nuclear research reactors to convert from HEU to LEU fuel as soon as suitable LEU fuel for their use became available. The NRC recognized that prevention of theft and diversion of HEU from civilian facilities cannot be assured by physical protection and safeguards alone, but rather requires a phase-out of HEU commerce. The Schumer Amendment applied the same standard to foreign operators.

Supporters of the new legislation, like the Burr Amendment before it, such as the American College of Nuclear Physicians, have argued erroneously that the Schumer Amendment ''was not drafted with medical uses of HEU in mind.'' In fact, the approximately 500-word Schumer Amendment uses the word ''target'' nine times. Targets, in distinction to ''fuel,'' are used exclusively for the production of medical isotopes. Thus, it is readily apparent that the current law was drafted explicitly to include the HEU targets that are used in medical isotope production.

We also wish to underscore that conversion of isotope production from HEU to LEU is technically and economically feasible. Australia has produced medical isotopes using LEU for years. According to Argonne National Laboratory, the main consequence of Nordion converting from HEU to LEU would be to increase its waste volume by about ten percent. That is a small price to pay to eliminate the risk that this material could be stolen by terrorists and used to build nuclear weapons.

The main obstacle to Nordion converting its production process from HEU to LEU has been the company's refusal to pursue such conversion in good faith, as required by the Schumer amendment as a condition for interim exports of HEU. In 1990, Atomic Energy Canada, Ltd. (from which Nordion was spun off) pledged to develop an LEU target by 1998 and to ''phase out HEU use by 2000.'' Nordion and AECL failed to meet this target. During the last few years, to qualify for additional HEU exports, Nordion repeatedly has pledged to cooperate with the United States on conversion. However, Nordion stopped engaging in such cooperation more than a year ago.

The Schumer Amendment will never lead to an interruption in Nordion's ability to produce isotopes unless Nordion aggressively refuses to cooperate with U.S. policies designed to prevent terrorists from acquiring the essential ingredients of nuclear weapons. No company has a perpetual entitlement to U.S. bomb-grade uranium, and any such exports should be reserved for recipients who cooperate with U.S. law intended to prevent nuclear proliferation and nuclear terrorism.

During the past 25 years, an international effort led by the U.S. has succeeded at sharply reducing civilian HEU commerce. In 1978, the U.S. created the Reduced Enrichment for Research and Test Reactors (RERTR) program at Argonne National Laboratory. In 1980, the UN endorsed the conversion of existing reactors in its International Nuclear Fuel Cycle Evaluation. In 1986, the NRC ordered the phase-out of HEU at licensed facilities. Also in 1986, the RERTR program began work on converting isotope production. And in 1992, the Schumer amendment was enacted. All of these far-sighted efforts were undertaken well in advance of the concrete manifestation of the terrorist intent to wreak mass destruction that our country experienced on September 11, 2001. For Congress now to undermine this longstanding U.S. effort to prevent nuclear terrorism flies in the face of the Bush Administration's stated determination to protect our country from weapons of mass destruction.

For over forty years PSR physicians have dedicated themselves to protecting public health and opposing spread of nuclear weapons and material. We strongly oppose current efforts to repeal part of the Schumer Amendment to relax export controls on nuclear-weapon grade material because be believe that rather than ensuring the supply of medical isotopes, the main effect of section 621 would be to perpetuate dangerous commerce in bomb-grade uranium and increase the risk that this material will find its way into terrorist hands. We urge you to support the amendment offered by Senators Schumer and Kyl, maintaining important proliferation controls and safeguarding the medical isotope needs of Americans.

Thank you for your attention to this important national security matter. PSR physicians stand ready to provide further information upon request.

Sincerely,

JOHN O. PASTORE M.D.
President,
President Physicians for Social Responsibility.
ROBERT K. MUSIL, PH.D., MPH,
Executive Director and CEO,
Physicians for Social Responsibility.

Mr. KYL. Mr. President, I will quote a couple lines from this letter. I appreciate the comments of my colleague from North Carolina. I am tempted—I do not know if he is a poker player—to use that old phrase, ''I will see you one and call you here,'' talking about the number of people who are supportive. We have a letter from 30,000 physicians. That letter is in the RECORD and I will quote from it briefly.

The Physicians for Social Responsibility, representing 30,000 physicians and health professionals nationwide, is writing to urge support for the Schumer amendment and opposition to the language supported by the Senator from North Carolina.

As noted, the letter says:

As physicians and health care professionals, we support the use of medical isotopes, but this legislation—

Meaning the legislation in the Energy bill—

is not necessary to ensure the supply of medical isotopes to U.S. hospitals and clinics.

Under existing law, medical isotope production capacity has grown to 250 percent of demand. In addition, no medical isotope producer has ever been denied a shipment of HEU as a result of the successful incentivization of efforts to convert to LEU. The Schumer-Kyl amendment would guarantee continued use of HEU to produce medical isotopes until LEU substitutes are available, so long as foreign producers cooperate on efforts to eventually convert to LEU when possible.

It makes the point that under existing law, we have all the medical isotopes we need, but we also have something else. We have assurances from these producers that they are working with the United States to eventually try to move away from using highly enriched uranium, which makes nuclear bombs, and move instead to low-enriched uranium, when that is possible.

The essence of the Schumer amendment is to retain that law because the language that is in the bill right now eliminates that requirement of assurances. Why on Earth would we want to do that?

I urge my colleagues to support the Schumer amendment. I simply note that if there is any confusion, after the Schumer amendment is dispensed with, the Kyl second-degree amendment will be automatically voted on or adopted, and that provides for a study and a report to the Congress on the status of this situation so that instead of having competing claims by all of us, we will have a report upon which I think we can all rely to help guide us in the future. In the meantime, it seems to me only to make sense to keep current law in effect.

Mr. President, might I inquire if there is more than 7 minutes remaining on the Schumer side?

The PRESIDING OFFICER. There is precisely 7 minutes remaining on the Schumer side.

Mr. KYL. I leave it to the manager at this point to determine what to do.

Mr. CRAIG. Mr. President, I ask, consistent with the unanimous consent request, that we set the Schumer amendment aside for consideration of the Sununu amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. The Sununu amendment has 30 minutes equally divided allotted under the unanimous consent agreement.

The PRESIDING OFFICER. That is correct.

The Senator from New Hampshire.

AMENDMENT NO. 873

Mr. SUNUNU. Mr. President, I call up amendment No. 873.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. Sununu], for himself and Mr. WYDEN, proposes an amendment numbered 873.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the title relating to incentives for innovative technologies)

Beginning on page 756, strike line 1 and all that follows through page 768, line 20.

Mr. SUNUNU. Mr. President, I am pleased to offer this amendment on behalf of myself and Senator WYDEN. This is a very comprehensive energy bill. As I have said before on this floor and outside this Chamber, I think it is probably much too comprehensive an energy bill; there is too much in it; it is too large; it spends too much money. There are authorizations. There is mandatory spending. We, unfortunately, voted to waive the budget limitations in our budget resolution earlier today. There is an $11 billion tax package that creates all manner of incentives and subsidies for producing energy.

It is time that we exercise just a little bit of restraint, and the amendment I offer this afternoon with Senator WYDEN would do just that in one particular area, and that is in the area of loan guarantees for building new powerplants.

We need a competitive energy sector including nuclear power, coal, gas, hydroelectric, solar, and wind. And we should do everything possible to establish a competitive marketplace that avoids trying to pick winners and losers in that energy production marketplace. Unfortunately, in too many areas, this bill fails to do so.

In particular, this title provides loan guarantees—taxpayer subsidized loan guarantees—for building new privately owned powerplants. That simply is not sound economic policy, sound fiscal policy, or sound energy policy. They could be coal plants. They could be nuclear plants. They could be renewable energy plants.

Over the course of the 5-year authorization in this bill, the Congressional Budget Office estimates that nearly $4 billion worth of loan guarantees will be offered at a cost to the taxpayers of $400 million. But the potential cost could be much higher because the Federal Government and the taxpayers would be on the hook for the full subsidy, the full cost of those loans.

The Congressional Budget Office says the following in their report on the Energy bill:

Under the bill, the Department of Energy could sell, manage, or hire contractors to take over a facility to recoup losses in the event of a default or it could take over a loan and make payments on behalf of the borrowers.

These are private sector borrowers.

Such payments could result in the Department of Energy—

That is the Federal Government and the taxpayers—

effectively providing a direct loan with as much as a 100-percent subsidy rate.

That just is not sound economic policy. The administration, through its budget office, states that ''the administration is concerned about the potential cost of the bill's new Department of Energy programs to provide 100 percent federally guaranteed loans for a wide range of commercial or near commercial technologies.''

Therein lies the heart of the problem. We are subsidizing, providing loan guarantees for privately owned and operated and profitable powerplants, whether coal or nuclear or renewable energy. It is not sound economic policy. Our amendment simply strikes this portion of the bill.

There is still $11 billion in tax subsidies to every conceivable kind of energy production. There is still an 8-billion-gallon mandate to purchase ethanol and it still contains a taxpayer subsidy for ethanol. This does not touch the electricity title. It does not touch the authorization for the clean coal technologies or fossil fuel research and development or other areas in the bill that provide subsidies to successful private companies. We are just trying to target this loan guarantee which just does not make any sense. It would be a new program. It is a terrible precedent, putting the taxpayers on the hook for billion-dollar loans to successful private profitable corporations.

I urge my colleagues to support this amendment. It is supported by a number of taxpayer groups concerned about the size and scope of Government—Taxpayers for Common Sense and National Taxpayers Union. It also is supported by the Sierra Club and a host of other environmental groups that are focused on good environmental policy as well as good energy policy.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I urge our colleagues to reject the Sununu-Wyden bill and support the Domenici-Bingaman bill. The provision the Senator seeks to strike is one of the most innovative and one of the crucially important parts of the legislation. As I will explain in a minute, it is not a free ride, and it costs the Government nothing. It scores at 0. It is constructed in conformance with the Federal Credit Reform Act.

Let me explain the amendment and, in doing so, I am doing it on behalf of the chairman of the committee, Senator DOMENICI. This is his idea. It is an idea to help us jump-start legislation which we have probably come to think of as a clean energy bill, as a bill which transforms the way we produce electricity in the United States, puts us on

a path toward low-carbon and no-carbon electricity, and involves, in doing so, using a number of new technologies, technologies that are not yet commercially proven.

For example, in our legislation, the Domenici-Bingham clean energy legislation, we talk about more efficient coal plants. We talk about carbon sequestration, a technology which has not yet been fully demonstrated. We talk about advanced nuclear plants, plants that are of the next generation of nuclear plants. We talk about new forms of solar. Solar has a very limited use in the United States, but there is some exciting new technology there. We talk about new biomass and hybrid cars, a technology which is just beginning to emerge.

One of the largest and most important of these new technologies is what we call IGCC, or clean coal gasification, the idea of using coal, of which we have hundreds of years supply, to turn it into gas. I will say more about that in a minute. We have higher efficiency natural gas turbines, a hydrogen economy. We are quite a bit away from there, and research and development is important for that.

We are excited about these incredible potential new technologies, and our goal here is to jump-start these technologies, get them into the marketplace—only new technologies, only technologies that are not commercially viable—and then we step back and get out of the way.

That is not just the idea of our Energy Committee, which voted 21 to 1 for a bill that contains this provision and heard a great amount of testimony, it is the idea, for example, of the bipartisan National Commission on Energy Policy, which pointed out that the energy challenges faced by the United States mean many new technologies and, unfortunately, ''both public and private investments in research and development, demonstration and early deployment of advanced energy technologies have been falling short of what is likely to be needed to make these technologies available in the time frames and on the scales required.''

We have since World War II invested in research and development. Half our new jobs since World War II, according to the National Academy of Sciences, have come from research and development. Our R&D, our scientific capacity, is our cutting edge advantage. If we do not, for example, help launch a handful of new clean coal gasification plants, if we do not, for example, invest in the next generation of nuclear plants, they either will not happen or they will happen so slowly that we do not get on the path we intend to be on.

In conclusion, let me point out exactly what we are talking about. This title is limited to technologies that are not commercial, that are not in general use. These technologies have to avoid reduced or sequestered air pollutants or manmade greenhouse gases, and the technology has to be new or significantly improved over what is available today in the marketplace.

In addition, this is not a free ride. The guarantees can only be for 80 percent of the cost of the project. The developers will share the risk.

More important, the program is constructed in accordance with the Federal Credit Reform Act and it costs the Government nothing. In every case, the cost of the guarantee has to be paid in advance. It could be done through appropriations, but that would have to be decided each time. But in most cases it will be done because the project sponsors will simply write a check to the Federal Treasury before the guarantee is issued. These payments are calculated based upon the risk that any one of the guaranteed loans might go into default—that always could happen—so that the amount collected will be sufficient to pay off that portion of the loans that do default.

In other words, it is in the form of an insurance premium that takes into account, actuarially, what the defaults might be should there be any.

This is not new. The Federal Credit Reform Act has been on the books since 1990. It applies across the Government, and I want to emphasize this key point: The provision scores at zero. Only if Congress later decides to appropriate money for the program will it cost anything.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, let me respond briefly just to a couple of points there. There was a lot of discussion at the end of Senator ALEXANDER's remarks about the credit law and scoring and the suggestion that this scores at zero.

This scores at zero cost, as we stand here on the Senate floor, because no loans have been issued. So, obviously, it scores at zero. To say that, and to suggest to the American taxpayers that there won't be any liability or any cost to this program is absolutely outrageous.

This is a program that does authorize, No. 1, no limit of the number of loans that could be offered; no limit in the total principal that could be put at risk. The Congressional Budget Office estimates $3.75 billion in loans over the 5 years. Yes, when you use our credit law, that would mean $400 million in appropriations. But to say it scores at nothing, as if this is a program with no cost or risk to the taxpayer, is absolutely misleading.

We need to be clearer about what this program really does and does not do. There are no limits on the number of projects, no limits on the principal that could be guaranteed, and it certainly does authorize a program that puts the taxpayers at risk.

At this time I yield to my cosponsor on this amendment, Senator WYDEN.

Mr. CRAIG. Mr. President, before the Senator from Oregon speaks, could I ask what time remains on both sides?

The PRESIDING OFFICER. The Senator from New Hampshire has 8½ minutes; the time in opposition is 9½ minutes.

Mr. CRAIG. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak for up to 5 minutes and then allow my friend and colleague to conclude on behalf of the Sununu-Wyden amendment.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield 5 minutes?

Mr. SUNUNU. I yield 5 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in support of the Sununu-Wyden amendment to strike the so-called incentives title of this legislation because I believe this title is a blank check for boondoggles. The fact is, we are now at the point when some of the special interests in this country are going to be triple-dipping. They are going to get tax incentives as a result of the tax cut; they are going to get loan guarantees under the amendment of the distinguished Senator from Nebraska; and this amendment, this section that we seek to strike, offers additional loan guarantees.

These loan guarantees are not only costly, they are also risky. American taxpayers would be required, under title XIV, to subsidize as much as 80 percent of the cost of constructing and operating new and untried technologies. According to the Congressional Budget Office, the risk of default on these projects funded by guarantees is between 20 percent and 60 percent. The amendment that Senator SUNUNU and I offer today would block this unwise and risky investment and stop throwing good taxpayer money after bad.

I see our friend from Tennessee is here. He heard me discuss this to some extent in the Energy Committee. I have believed that this legislation is already stuffed with a smorgasbord of subsidies for various industries. As I touched on earlier, the buffet of subsidies is so generously larded that you are going to have industries in this country come back for seconds and even third helpings from this taxpayer-subsidized buffet table.

You look for examples: the Hagel amendment, which provides secured loan guarantees for virtually the same projects and technologies as title XIV loan guarantees; coal gasification, advanced nuclear power projects, and renewable projects receive up to 25 percent of their estimated costs for construction activity, acquisition of land and financing. There is no need to double the subsidies for these projects with the incentives under title XIV as well.

I want to be clear. I am not against incentives for new technologies. That is why, as a member of the Finance Committee, I supported the energy tax title that provides tax benefits for a variety of energy technologies, ranging

from fuel cells and renewable technologies to fossil fuel and nuclear energy. So I am already one who has voted, at this point in the debate, to say that we ought to have some incentives with respect to these promising industries.

But what concerns me is the double- and triple-dipping. There is an important difference between the tax incentives that I supported in the Finance Committee and the loan guarantees under title XIV. The tax incentives that were produced on a bipartisan basis in the Finance Committee reward those who produce or save energy. By contrast, the loan guarantees subsidize projects whether they produce energy or not.

As I mentioned, the Congressional Budget Office says there is a very substantial risk of failure. I might even be persuaded to go along with the 25-percent subsidy provided by the Hagel amendment to help kick-start new energy technologies, but I don't think it is a wise use of taxpayer money to provide up to an 80-percent subsidy for the very same projects that would also get a 25-percent subsidy under the Hagel amendment.

Just with that example alone, you are talking about some projects that would receive a subsidy of 105 percent.

With respect to who reaps the benefits from these extraordinary loan guarantees, we know a variety of interests would. In my area of the country, we still remember WPPSS, the nuclear powerplants where there was a huge default and we had many ratepayers very hard hit. Our ratepayers are still paying the bills for the powerplants that were planned years ago but were never built. Skyrocketing cost overruns led to defaults. The collapse shows that Federal loan guarantees are a gamble that taxpayers should not be forced to take.

I am very hopeful my colleagues will support the Sununu-Wyden amendment. At this point, I think it is fair to say that we have voted for multiple subsidies for a lot of the industries that we hope will help to some degree cure this country's addiction to foreign oil. But at some point the level of subsidies ought to stop. I urge my colleagues to support the amendment, and I yield.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

The Senator from Idaho.

Mr. CRAIG. Mr. President, I don't know that all has been said, but most nearly all has been said. Let me speak briefly about the Sununu amendment.

If I have heard it once I have heard it a lot of times in the last few years: Oh, we need new technology. We need innovation. We need clean energy. All of those kinds of things are at the threshold of the American consumer's opportunity: Sequestration of carbon, new nuclear technology, biomass, hybrid cars—some of those are beginning to enter the market—coal gasification—here we have a very large part of our energy being supplied by coal; we want to clean it up so we can continue to use it—high, efficient natural gas turbines, hydrogen, and on and on and on.

New technologies are wonderful, but sometimes it is very hard to get them started, get them into the marketplace, allow them to be mainstreamed, create the cost effectiveness, the duplication, and multiplying effects that occur in the marketplace. That is why, in working this major piece of energy legislation for our country, we looked at incentives. We also looked at assuring that we protect the American taxpayer, who is also now, because we failed over the last 5 years to develop an energy policy, being taxed at the pump higher than any of these incentives would ever tax them. Yet we have some who would suggest that this is simply the wrong approach—to add some incentive, to build guarantees, to do that which assures that we can mainstream a variety of these technologies, that we can become increasingly self-sufficient.

The Senator from Tennessee is right, and he has explained it very well. Many of these are scored as zero, not because the loan has not been made but because the cost of the guarantee is paid by the person taking out the loan.

So this is clearly, here, the right thing that is being done, and that does not mean that the Government of our country, our taxpayers, is ''off the hook.'' It doesn't mean that at all. It means right now they are on the hook and paying through the nose for high-cost energy because we have not done for the last 5 years what we are now trying to do in this bill, and that is to build a new marketplace, new opportunities, clean technologies, get them into the marketplace, get them working, mainstream them so America and American business can pick them up and make them available to the American consumer.

I think it is a very important amendment. If you are for the Energy bill as it is before us, you must vote no on the Schumer amendment. It guts the very underlying premise of the bill. It is not a double-dip, it is not a triple-dip, it is a slam-dunk to defeat and destroy a very valuable piece of legislation.

I hope my colleagues will oppose the Sununu amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, first I apologize to my colleague, Senator SCHUMER of New York. It was just a slip of the tongue by the Senator from Idaho, I am sure. Senator SCHUMER may be in trouble if he is easily confused with me when he goes back home to New York.

Mr. CRAIG. I do apologize. I do know the difference, and I apologize.

Mr. SUNUNU. No offense taken, but I would say, lightheartedly, that you might wish to apologize to the Senator from New York.

If the owners of these powerplants were paying the risk premium, then the Congressional Budget Office would not estimate that in the year 2006 there will have to be $85 million in appropriated taxpayer resources to support this program; or, in 2007, $85 million; or 2008, $85 million; or 2009, $85 million; or 2010, $60 million. The owners of these powerplants are not picking up the risk. That money will have to be appropriated because there will be risks borne by the Federal Government, by the taxpayer, when these loans are issued. To suggest otherwise is to misunderstand how the program operates.

With regard to technology, let me close in response on this broad point of our concerns for technology. I also would like to see new and innovative technologies brought to the market. Only, when I talk about the importance of those new technologies, I then do not hesitate to say I have confidence in the engineers and scientists and investors and financial people, working in the solar industry and nuclear industry and coal industry, to continue to develop new ideas and new technologies. I am not so arrogant, as an elected representative, or someone here in Washington, to think that only someone working in the Department of Energy in Washington, DC, can know or understand what kind of technologies are deserving of a billion-dollar loan subsidy or a $500 million loan guarantee.

That is the problem with this kind of a program. It presumes that the only people who understand technology and innovation and how it might make a contribution to our energy markets and our environment reside in Washington. That is wrong.

We need more competitive markets. We need to do something about the costs of regulation, but we do not need to put the taxpayers on the hook for billions of dollars in loan guarantees for privately owned and operated powerplants that are operated by successful, profitable corporations. I wish them well, I want to see them compete, but I do not want to put taxpayers on the hook for the cost.

I urge my colleagues to support this amendment that is endorsed and supported by those concerned about the cost to the Federal budget as well as those concerned about the environment.

I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I would hope that timewise, all time could be used on the Sununu amendment, understanding there is still a minute to close at the time of the vote and that we can return now to the Schumer amendment. Senator BOND is on the Senate floor, and he could utilize his 7 minutes prior to Senator SCHUMER utilizing his 7 minutes in closure so we could bring these two amendments to a close and to a vote.

The PRESIDING OFFICER. The Senator yields back the time in opposition to the Sununu amendment?

Mr. CRAIG. We have no objection. I yield back time on our side.

AMENDMENT NO. 810

The PRESIDING OFFICER (Mr. DEMINT). There are now 7 minutes per side on the Schumer amendment.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I urge my colleagues to oppose the amendment by Senator SCHUMER and Senator KYL to prevent cancer patients from getting the cancer medicine they need. Both Senator SCHUMER's first-degree amendment and Senator KYL's second-degree amendment would strip provisions we put in the Energy bill to ensure cancer patients continue to have a reliable and affordable source of cancer medicine. We cannot do this to our cancer patients.

Cancer is a scourge that affects millions of people across the Nation in each of our States and in many of our families. Cancer will strike over a million people this year, 30,000 in my home State of Missouri, and cancer will kill 12,000 Missourians this year. Cancer takes our mothers and fathers. Cancer takes our spouses, our children. But many people beat cancer.

Section 621 of the Energy bill will help people beat cancer. Cancer patients beat cancer with nuclear medicines, also known as medical isotopes, to diagnose and treat their cancer. Doctors use slightly radioactive forms of iodine, xenon, and other substances to help them find and diagnose breast cancer, lung cancer, prostate cancer, and other cancers. Doctors also use nuclear medicines to treat cancer patients fighting non-Hodgkin's lymphoma, thyroid cancer, and relieve cancer symptoms such as bone pain.

Andrew Euler, seen here, is a boy from the small town of Billings, MO, in my home State. Drew was 8 years old when cancer struck him. Drew's parents described the day the doctors told them that their son had cancer as the most horrific experience of their lives. The Eulers learned that cancer is the leading cause of death among children like Drew under 15 years of age. Thyroid cancer will strike 23,000 Americans this year and take the lives of 1,400 children and adults.

With the help from the fine cancer doctors at Washington University in St. Louis, Drew underwent surgery and received doses of nuclear medicine in the form of radioactive iodine to treat his cancer. Drew, I am happy to say, is now cancer free, living a normal teenage life of basketball, skateboarding, and swimming. Having good doctors and access to medicine is a blessing too many take for granted. Drew and many others across the country are alive today because of the nuclear medicine administered after his surgery.

Section 621 of the Energy bill, which Senator BURR and I authored, will ensure that cancer patients like Drew can continue to get and afford the cancer medicine they need.

This provision is needed because the Atomic Energy Act requires industry to change the way they make nuclear medicines. The law requires a shift from highly enriched uranium, HEU, to low enriched uranium, LEU. I have no problem with the switch. Indeed, our energy provisions encourage this switch. What I have a problem with is that current law makes no accommodation for supply disruptions or affordability. That means cancer patients might not get their medicine.

Currently, law was written that way to address fuel for nuclear reactors but is now being applied to nuclear medicine. It would force a premature switch in the nuclear medicine production process before we have a feasible and affordable alternative. That would mean cancer patients could not get the medicine they need at prices they could afford. Section 621 still requires a production changeover but not before we know that patients will retain affordable access to their medicine.

Unfortunately, well-meaning stakeholders want to strip this cancer medicine provision from the bill. Opponents of this provision somehow think that making the cancer medicine that helped cure Drew will help terrorists build a bomb, but that is simply not the case. The nuclear medicine production process is highly regulated by the U.S. Nuclear Regulatory Commission. Raw material shipments of HEU are conducted under strict Government requirements, including armed guards. These shipments go to Canada and back because no U.S. reactor is designed to make medical isotopes. We send HEU because that is the only raw material target that the Canadian reactor can accept.

In the post-9/11 world, we are obliged to take this concern seriously, check it out, and see whether it is valid. I can assure my colleagues that the concern is not one we have to worry about. Homeland security is fully protected in the production of nuclear medicines. No one has to take my word for it. We wrote to the U.S. Nuclear Regulatory Commission to ask them whether the shipment of HEU to Canada endangers homeland security. The NRC said it did not. Indeed, they said:

> The NRC continues to believe that the current regulatory structure for export of HEU provides reasonable assurance that the public health and safety and the environment will be adequately protected and that these exports will also not be inimical to the common defense and security of the United States.

The full response is for official use only, so I cannot describe it on the Senate floor. This has been cleared. I will be happy to share the full response with any Senator who wishes to see it.

There are other smaller issues raised by stakeholders that are addressed in our provision. The section only applies to nuclear medicine production, not reactor fuel. It allows HEU so long as there is no feasible and affordable alternative. Once the Department of Energy finds that a feasible and affordable alternative exists, then the switch occurs and the provision sunsets.

These provisions sound reasonable because they are the outcome of a compromise. Section 621 represents a compromise reached in the Energy bill in the last Congress. Indeed, this section has garnered nothing but unanimous approval as it has gone through the committee process. The Energy Committee approved it unanimously during their markup. My colleagues on the Environment Committee approved this section unanimously last Congress and again this Congress. Members of the medical community support this provision and strongly oppose attempts to strike it such as the Schumer and Kyl amendments. These groups include: The National Association of Cancer Patients, American College of Nuclear Physicians, American College of Radiology, American Society of Nuclear Cardiology, Council on Radionuclides and Radiopharmaceuticals, National Association of Nuclear Pharmacies, and Society of Nuclear Medicine.

Of course, Drew Euler supports this provision. He is alive today because of nuclear medicines. Drew got the medicine he needed. I hope the Senate will act today to ensure that cancer patients continue to get the medicine they need. I ask my colleagues to oppose the Schumer and Kyl amendments.

I yield such time as remains to my colleague from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank the Senator and would only make this point. Some have made the accusation that this legislation weakens existing law. Let me point out to my colleagues item 7 in the language, termination of review:

> After the Secretary submits a certification under paragraph (6), the Commission shall, by rule, terminate its review of export license applications under this subsection.

This does fulfill the national security. It is reassured by the Nuclear Control Institute and the person who is most outspoken, Alan Kuperman. Ironically, he says this amendment, originally drafted to pave the way to continued HEU exports, would actually do away with them. We would go to LEU faster, is his conclusion.

We urge our colleagues to oppose the Schumer amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. It is now my understanding that Senator SCHUMER will close, and the 7 minutes remaining includes the 2 that had been allotted in the original UC.

Mr. SCHUMER. I am going to take 3½ minutes and yield the closing 3½ minutes to my colleague from Arizona, Senator KYL.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, again, the argument is simple: Do we want nuclear proliferation? If we do, we allow highly enriched uranium to be floating around the world with very few checks.

There is no issue of health. Let me repeat: Everyone, every single person in this country and in other countries who needs isotopes has gotten them. Let me quote from Physicians for Social Responsibility, a group that has been involved: Contrary to its stated intent, section 621, the new section added to this bill, would do nothing to ensure the supply of medical isotopes to the United States because that supply is not currently endangered by restrictions on exports of HEU.

So the bottom line is simple: We want sick people to get these isotopes. They are all getting them. But why do we have to trade away the ability to prevent highly enriched uranium from proliferating around the world? God forbid the consequences to our country if a terrorist steals such uranium or it gets lost.

No U.S. firm has any interest in this. It is one Canadian firm that does not want to pay the extra price that other firms have been paying to require foreign countries to convert from HEU, highly enriched uranium, which can be used for weapons, to low-grade uranium, LEU, which cannot.

So the argument is simple. There are a large number of organizations that support our amendment, many of them concerned with nuclear proliferation and, of course, organizations concerned with health such as Physicians for Social Responsibility.

The argument is clear-cut. This amendment never should have been put in the Energy bill. The policy that our country has had for the last 12 years has been working very well, and we have had our cake and eaten it, too. Everyone gets isotopes, and various reactors and foreign countries are required to convert from HEU to LEU. Right now, we are worried about Iran. We are worried about North Korea. We are worried about terrorists stealing weapons-grade uranium, and we are now doing something here, mainly at the behest of one Canadian company, to allow more of that uranium out on the market.

If my friends on the other side could point to a single person who is denied the isotope they need for health purposes, they might have an argument, but they do not. The argument is simple: the cost to one Canadian company versus our ability to prevent weapons-grade uranium, highly enriched uranium, from proliferating around the world.

I hope we will go back to present law, stay with present law, stick to the law that has been supported by both administrations, Republican and Democrat, and prevent the danger of nuclear terrorism from getting any greater than it is.

I yield my remaining time to my colleague and friend from Arizona, JON KYL.

The PRESIDING OFFICER. The Senator from Arizona has 4 minutes.

Mr. KYL. Mr. President, my colleagues first should be astonished that Senator SCHUMER and I are in total agreement on something, and I cannot wait to tell them why and hope that will persuade them that if the Senator from New York and I are in agreement on something, there must be something to it. Indeed, both Senator SCHUMER and I have been very strong advocates against proliferation of nuclear material.

The chairman of the Senate Foreign Relations Committee, Senator LUGAR, is strongly in agreement with the position that Senator SCHUMER and I are taking. He will be listed as one of the people in support of the Schumer-Kyl approach. No one has fought this harder than Senator LUGAR. We are all familiar with the Nunn-Lugar work.

The reason Senator LUGAR is so strongly supportive, the reason members of the Democratic Party are so strongly supportive, the reason people who have been involved in national defense and proliferation on nuclear issues from day one, like myself, are so concerned about this is that we are in danger, unless this amendment passes, of changing a law that has helped us to control proliferation of nuclear material. Why would we want to change the law?

Since 1992, our law has enabled us to export highly enriched uranium, from which you can make bombs, as long as there is an assurance that the recipient is cooperating with us in trying to control proliferation; in this case, trying to eventually move to low-enriched uranium. We would all love to be able to move to low-enriched uranium to produce, for example medical isotopes. That is why we are so concerned.

The language in the bill, unfortunately, removes the requirement for that cooperation. Why would we want to do that? Because one Canadian company is concerned about the cost. That shouldn't even be a concern because today the Nuclear Regulatory Commission issues these export licenses and one of their considerations is cost. They have already made the decision that this is not an issue for the issuance of a license.

Has one license ever been denied? Never. None. It is a false choice to suggest somebody is going to be denied medical treatment, a little boy or a little girl or anybody else, if this amendment is adopted. Since 1992, nobody has been denied treatment with medical isotopes. The law has permitted the development of this kind of treatment, and there is nothing to suggest that it will not continue.

The law does something else, too. It requires assurances that the people who are producing this are working with us to eventually try to convert to low-enriched uranium. What does the Department of Energy say about that? The Department of Energy, on its Web site dealing with this subject with regard to current law, says this law has been very helpful in persuading a number of research reactors to convert to low-enriched uranium.

Why, if we have a law that has never denied any license and has permitted the production of these isotopes for medical production and moves us toward a nonproliferation, toward low-enriched uranium, why we would want to scrap that and say we will do away with the requirement that the companies work with the United States to work toward low-enriched uranium? It makes no sense at all.

That is why the group of physicians I cited earlier is in support of the current law. It is why the Department of Energy Web site notes the fact that the current law is working well.

I ask my colleagues, in summary, this question: If ever a terrorist group gets a hold of this high-enriched uranium and builds a bomb because we eliminated this requirement for no particular purpose, what are we going to say about that? Let's retain the existing law the Department of Energy believes has been working. Nobody is denied medical treatment as a result of this law.

I urge my colleagues to support the Schumer amendment. Please support the Schumer amendment at this time.

The PRESIDING OFFICER. All time is expired. The question is on agreeing to the amendment.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were previously ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—52

Akaka	Feinstein	Nelson (FL)
Alexander	Gregg	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Reed
Boxer	Kennedy	Reid
Byrd	Kerry	Rockefeller
Cantwell	Kohl	Salazar
Clinton	Kyl	Santorum
Collins	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Cornyn	Levin	Snowe
Corzine	Lieberman	Specter
Dayton	Lott	Stabenow
Dodd	Lugar	Sununu
Dorgan	Martinez	Vitter
Durbin	McCain	Wyden
Ensign	Mikulski	
Feingold	Murray	

NAYS—46

Allard	Bennett	Bunning
Allen	Bond	Burns
Baucus	Brownback	Burr

Carper	Graham	Pryor
Chafee	Grassley	Roberts
Chambliss	Hagel	Sessions
Coburn	Hatch	Shelby
Cochran	Hutchison	Smith
Coleman	Inhofe	Stevens
Craig	Isakson	Talent
Crapo	Jeffords	Thomas
DeMint	Johnson	Thune
DeWine	Landrieu	Voinovich
Dole	Lincoln	Warner
Enzi	McConnell	
Frist	Murkowski	

NOT VOTING—2

Bingaman	Domenici

The amendment (No. 810) was agreed to.

Mr. SCHUMER. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 873

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, under the unanimous consent, we now have the Sununu amendment with a minute allocated to each side for closing comments.

The PRESIDING OFFICER. The Senator is correct. Who yields time?

The Senator from Idaho.

Mr. CRAIG. I yield 1 minute for closure to the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if Chairman DOMENICI were here tonight, he would urge our colleagues to oppose the Sununu amendment because it is critical to this clean energy bill. If we want lower natural gas prices, we need new technologies for carbon sequestration, for advanced nuclear, for solar, for biomass, and for hybrid vehicles. We need to invest in these options and jump start them. We have done that throughout our history in America. That is our secret weapon, our science and technology, research and development. Chairman DOMENICI likes the existing provision because this is for new technology. It is not a free ride.

Chairman DOMENICI would urge Members, as I do, to vote no on Sununu-Wyden because his existing provision jumpstarts new technologies for a clean energy bill from coal plants to sequestration to advanced nuclear to solar, new technologies not in general use. It costs the Government nothing, according to the scoring of the Congressional Budget Office. It is like an insurance policy. The user of the guarantee pays the premium.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, there are nearly $4 billion in estimated loan guarantees over the next 5 years in this title. Those absolutely will cost the Federal Government something. That is exactly why money, $400 million, has to be appropriated to support them.

I was pleased to work on this amendment with Senator WYDEN to whom I yield the remainder of my time.

Mr. WYDEN. Mr. President, when it comes to subsidies, without the Sununu-Wyden amendment, some of the country's deepest pockets will be triple-dipping. These industries get subsidies under the tax title from Finance. That is dip 1. The Hagel amendment, yesterday adopted, provides loans. That is dip 2. Title XIV that we seek to strike provides loan guarantees of up to 80 percent. That is dip 3. I urge Senators to join all the country's major environmental groups, all the country's major organizations representing taxpayer rights and support the bipartisan Sununu-Wyden amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 873.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nevada (Mr. ENSIGN).

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN) is necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 21, nays 76, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—21

Allard	Feingold	Mikulski
Boxer	Gregg	Reed
Coburn	Harkin	Sarbanes
Collins	Kennedy	Schumer
Corzine	Kyl	Smith
DeMint	Lautenberg	Sununu
Durbin	McCain	Wyden

NAYS—76

Akaka	Dodd	McConnell
Alexander	Dole	Murkowski
Allen	Dorgan	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Frist	Obama
Biden	Graham	Pryor
Bond	Grassley	Reid
Brownback	Hagel	Roberts
Bunning	Hatch	Rockefeller
Burns	Hutchison	Salazar
Burr	Inhofe	Santorum
Byrd	Inouye	Sessions
Cantwell	Isakson	Shelby
Carper	Jeffords	Snowe
Chafee	Johnson	Specter
Chambliss	Kerry	Stabenow
Clinton	Kohl	Stevens
Cochran	Landrieu	Talent
Coleman	Leahy	Thomas
Conrad	Levin	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Dayton	Lugar	
DeWine	Martinez	

NOT VOTING—3

Bingaman	Domenici	Ensign

The amendment (No. 873) was rejected.

Mr. CRAIG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 990, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the clerk will report amendment No. 990, as modified.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. LUGAR, and Mr. LOTT, proposes an amendment numbered 990, as modified.

The amendment is as follows:

(Purpose: To provide a substitute to the amendment)

On page 401, after line 25 insert the following:

SEC. 621. MEDICAL ISOTOPE PRODUCTION: NONPROLIFERATION, ANTITERRORISM, AND RESOURCE REVIEW.

(a) DEFINITIONS.—In this section:

(1) HIGHLY ENRICHED URANIUM FOR MEDICAL ISOTOPE PRODUCTION.—The term ''highly enriched uranium for medical isotope production'' means highly enriched uranium contained in, or for use in, targets to be irradiated for the sole purpose of producing medical isotopes.

(2) MEDICAL ISOTOPES.—The term ''medical isotopes'' means radioactive isotopes, including molybdenum-99, that are used to produce radiopharmaceuticals for diagnostic or therapeutic procedures on patients.

(b) STUDY.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences for the conduct of a study of issues associated with section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d), including issues associated with the implementation of that section.

(2) CONTENTS.—The study shall include an analysis of—

(A) the effectiveness to date of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) in facilitating the conversion of foreign reactor fuel and targets to low-enriched uranium, which reduces the risk that highly enriched uranium will be diverted and stolen;

(B) the degree to which isotope producers that rely on United States highly enriched uranium are complying with the intent of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) to expeditiously convert targets to low-enriched uranium;

(C) the adequacy of physical protection and material control and accounting measures at foreign facilities that receive United States highly enriched uranium for medical isotope production, in comparison to Nuclear Regulatory Commission regulations and Department administrative requirements;

(D) the likely consequences of an exemption of highly enriched uranium exports for medical isotope production from section 134(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2160d(a)) for—

(i) United States efforts to eliminate highly enriched uranium commerce worldwide through the support of the Reduced Enrichment in Research and Test Reactors program; and

(ii) other United States nonproliferation and antiterrorism initiatives;

(E) incentives that could supplement the incentives of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) to further encourage foreign medical isotope producers to convert from highly enriched uranium to low-enriched uranium;

(F) whether implementation of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) has ever caused, or is likely to cause, an interruption in the production and supply of medical isotopes in needed quantities;

(G) whether the United States supply of isotopes is sufficiently diversified to withstand an interruption of production from any

1 supplier, and, if not, what steps should be taken to diversify United States supply; and

(H) any other aspects of implementation of section 134 of of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) that have a bearing on Federal nonproliferation and antiterrorism laws (including regulations) and policies.

(3) TIMING; CONSULTATION.—The National Academy of Sciences study shall be—

(A) conducted in full consultation with the Secretary of State, the staff of the Reduced Enrichment in Research and Test Reactors program at Argonne National Laboratory, and other interested organizations and individuals with expertise in nuclear nonproliferation; and

(B) submitted to Congress not later than 18 months after the date of enactment of this Act.

Mr. KYL. Mr. President, my amendment would simply add a reporting requirement.

Current law—known as the Schumer amendment to the Energy Policy Act of 1992—is intended to phase out U.S. exports of highly enriched uranium in order to reduce the risk of that material being stolen by terrorists or diverted by proliferating states for nuclear weapons production.

The importance of phasing out these exports is glaringly obvious in the post-September 11 world, as we are confronted with terrorist-sponsoring regimes, such as North Korea and Iran, that are intent on developing nuclear weapons and terrorist organizations that would like nothing more than to attack the United States using a nuclear device.

Asked several years ago about suspicions that he is trying to obtain chemical and nuclear weapons, Osama bin Laden said:

If I seek to acquire such weapons, this is a religious duty. How we use them is up to us.

U.S. law bars export of HEU for use as reactor fuel or as targets to produce medical isotopes, except on an interim basis to facilities that are actively pursuing conversion to low-enriched uranium.

Because the United States is the world's primary supplier of HEU, the law also provides a strong incentive for such conversion, an objective that is strongly supported by Secretary of Energy Samuel Bodman's recent statement that, ''We should set a goal of working to end the commercial use of highly enriched uranium in research reactors.''

Why is this important? Unlike highly enriched uranium, low-enriched uranium cannot be used as the core of a nuclear bomb.

Section 621 of the pending bill would essentially exempt HEU exports to five countries for medical isotope production from the standards set by the 1992 Schumer amendment. If enacted, it would allow foreign companies to receive U.S. HEU for use in medical isotope production ''targets'' without having to commit to converting to low-enriched uranium.

Specifically, for export license approval, the new language requires only a determination that the HEU will be irradiated in a reactor in a recipient country that ''is the subject of an agreement with the United States Government to convert to an alternative nuclear reactor fuel when such fuel can be used in that reactor.''

In contrast, current law requires the proposed recipient of a U.S. HEU export to provide ''assurances that, whenever an alternative nuclear reactor fuel or target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium.'' In addition, current law permits such exports only if ''the United States government is actively developing an alternative nuclear reactor fuel or target that can be used in that reactor,'' which requires the proposed recipient to actively cooperate with the United States on conversion.

This is a difficult distinction, so let me be clear: current law places restrictions on exports of targets and fuel, and the Energy bill exempts targets from these restrictions. How are fuel and targets used? Fuel is used to generate the chain reaction that powers a reactor; a target is a mass of fissionable material that is irradiated to produce a medical isotope. The target is inserted in an operating reactor and then withdrawn after it has been irradiated.

This change would allow countries to avoid ever having to move to an LEU target, even if it is technically feasible to do so.

Furthermore, four of the five countries to which the Energy bill's exemption would apply are members of the European Union and, therefore, U.S. exports of HEU to them would be subject to the requirements of the U.S.–EURATOM Agreement on Nuclear Cooperation.

Under that agreement, EURATOM countries are not required to inform the United States of retransfers of U.S. supplied materials from one EURATOM country to another or report on alterations to U.S. supplied materials. As such U.S. HEU—once transferred to one of these four countries—can go anywhere else in the EU. Given EU expansion, it is not difficult to imagine the concern this creates. The Energy bill language ostensibly exempts only five countries from current law; in practice, the number is much larger.

This is all the more reason not to remove the incentive to convert to LEU.

One of the gravest threats we face today is the possibility that a terrorist will obtain nuclear material and use it in an attack against the United States. It simply makes no sense to loosen our own restrictions on the export of nuclear weapon-grade uranium to countries where we do not have direct control over its security.

Proponents of the new language contained in the Energy bill argue that weakening current law is needed to ensure the continued supply of medical isotopes—for the diagnosis and treatment of sick patients—and that this reality justifies any increased proliferation risk. They claim that there is a danger we will run out of these isotopes.

But we have seen no compelling evidence that the United States is in danger of running out of medical isotopes. Our main supplier—a Canadian company called Nordion—has stockpiled over 50 kg of U.S.-origin HEU, which is enough to make one simple nuclear bomb or two more sophisticated bombs. Indeed, Nordion has enough U.S.-origin bomb-grade uranium to produce medical isotopes for the next three to four years. [Source: Union of Concerned Scientists and the Nuclear Control Institute]

Supporters of the language in the Energy bill seem to be concerned that Nordion will cut off from U.S.-HEU exports and that will result in an isotope deficiency. But that claim does not mesh with the facts. Nordion produces about 40 percent of the world's supply of medical isotopes today; worldwide production capacity is 25 percent of current wordwide demand.

That means that, even without Nordion's medical isotopes, production could still reach 210 percent of world demand.

Finally, it is important to note that no company has ever been denied an export license under the Schumer amendment for HEU to be used in targets for medical isotope production AND current law has, as intended, incentivized countries to begin to convert to LEU. The Netherlands is one good example; conversion of that country's Petten reactor (to LEU fuel) is scheduled to be completed by 2006.

Senator SCHUMER's amendment, which I strongly support, strikes section 621 of H.R. 6. Maintaining current law restrictions will ensure that the United States plays an active role in encouraging other countries to convert to using low-enriched uranium. All that they must do in order to continue to receive U.S. HEU exports is agree to convert to low-enriched uranium—which cannot be used as the core of a nuclear bomb—when it becomes technically and economically possible to do so and actively cooperate with the United States on that conversion. This is not unreasonable.

And, as I mentioned, there is no danger of running out of medical isotopes at this time—the largest supplier to the United States currently has a surplus of U.S. HEU and worldwide maximum production capacity is more than twice demand.

My second-degree amendment would simply add a requirement for a report from the National Academy of Sciences. That report includes an analysis of:

The effectiveness of current law (the Schumer amendment) in compelling conversion to low-enriched uranium; the likely consequences with respect to nonproliferation and antiterrorism initiatives of removing current restrictions;

Whether implementation of current law has ever caused an interruption in

the production and supply of medical isotopes to the U.S.; and

Whether the U.S. supply of isotopes is sufficiently diversified to withstand an interruption of production from any one supplier.

It is prudent to conduct such a comprehensive study before we even consider lifting the restrictions in current law, as opposed to after lifting them, as the Energy bill language would do.

The report would be due 18 months after enactment of the Energy bill. So, even if Nordion were cut off from U.S. exports tomorrow, the due date would be long before Nordion's surplus HEV runs out.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 990), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, we are going to move as quickly as we can. It appears that we can complete all work on this bill tonight. We have a few remaining amendments. I am going to offer a unanimous consent request at this time and, hopefully, we can cut the time down from it, if our colleagues will expedite their effort on behalf of these amendments that are outstanding.

Mr. President, I ask unanimous consent that Senator BOND be recognized in order to offer the Bond-Levin CAFE amendment No. 925; provided further that the amendment be set aside and Senator DURBIN be recognized immediately to offer his CAFE amendment No. 902; provided further that there be 80 minutes of debate total to be used in relation to both amendments, with Senators Bond and/or his designee in control of 40 minutes, and Senator DURBIN and/or his designee in control of 40 minutes.

I further ask that following the use or yielding back of time, the Senate proceed to a vote in relation to the Bond amendment, to be followed by a vote in relation to the Durbin Amendment, with no second degrees in order to either amendment prior to the vote, and with 2 minutes equally divided for debate prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I thank the Chair. I trust that our colleagues are on the Senate floor. I see them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 925

Mr. BOND. Mr. President, I call up the Bond-Levin amendment, as described by the distinguished acting floor manager of this bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. LEVIN, Ms. STABENOW, and Mr. VOINOVICH, proposes an amendment numbered 925.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, June 22, 2005 under ''Text of Amendments.'')

Mr. BOND. Mr. President, pursuant to the order, I ask that that amendment be set aside.

The PRESIDING OFFICER. The amendment is set aside under the order.

AMENDMENT NO. 902

Mr. DURBIN. Mr. President, I call up amendment No. 902.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], proposes an amendment numbered 902.

Mr. DURBIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, June 23, 2005, under ''Text of Amendments.'')

Mr. DURBIN. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors: DODD, CANTWELL, LAUTENBERG, KENNEDY, REED of Rhode Island, and BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is my understanding, under the terms of the agreement, that we have 40 minutes on our side, and there are 40 minutes under the control of Senators BOND or LEVIN.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Mr. President, I will start by reading a paragraph, but it is not from an environmental magazine or a political magazine or from a liberal magazine. It is from BusinessWeek, published in their most recent online edition of June 20, entitled ''Energy; Ignoring the Obvious Fix.'' I will read this paragraph because it describes where we are at this moment in time:

As Congress puts the final touches on a massive new energy bill, lawmakers are about to blow it. That's because the bill, which they hope to pass by the end of July, almost certainly won't include the one policy initiative that could seriously reduce America's dependence on foreign oil: A government-mandated increase in the average fuel economy of new cars, SUVs, light trucks and vans.

That is BusinessWeek. They say that Congress is about to blow it. Sadly, BusinessWeek is correct because you can search this bill, page after page, section after section, and find no reference to the obvious need in America to increase the fuel efficiency of the cars and trucks that we drive.

The amendment that I am proposing addresses the CAFE standards. This amendment would result in more fuel-efficient vehicles in America. This amendment would incrementally increase fuel economy standards in automobiles over the next 10 years.

Regardless of what the opponents of this amendment say, technology is available to reach these goals, the safety of our vehicles need not be compromised in the process, and we don't have to lose American jobs in order to have safer, more fuel-efficient cars.

I suggest to those who have no faith in the innovative capacity of our Nation that America has risen to the challenge before. We can do it again.

Before I explain my amendment and highlight why improving fuel efficiency would be a priority, let me read from a few headlines that make this debate especially important.

This was in this week's Washington Post:

Gas price rises as oil hits a record high.

What was the dollar amount, the latest amount? It was $59.42 a barrel—record high amounts for oil. In my State of Illinois, the average price of gasoline is $2.16 per gallon.

From the Wall Street Journal, here is the big headline:

Big Thirst for Oil is Unslaked, Demand by U.S., China Rises.

The Wall Street Journal says:

Oil consumption remains strong even as petroleum prices approach $60 a barrel, sparking concerns that growing demand could spur still-higher prices and further dampen economic growth.

Philip Verleger, senior fellow at the Washington-based Institute for International Economics, says:

I can see oil at $90 a barrel by next March 31.

I have read from BusinessWeek. We understand their consideration of this provision. They understand that if we do not deal with more fuel-efficient vehicles, we are ignoring the obvious.

I am offering this amendment to give my colleagues an opportunity to put America back on track, to reduce consumption of oil-based products by our transportation fleet by increasing fuel economy standards.

The BusinessWeek online piece continues:

If we don't act now, a crisis will probably force more drastic action later.

I first say to my colleague following this debate, I wish them all a happy 30th anniversary. It was 30 years ago we faced an energy crisis in America. This year marks the 30th anniversary of the Energy Policy and Conservation Act that created the original CAFE program and responded to that crisis.

Listen to these oil prices that brought America's economy to its knees 30 years ago. I am going back to October of 1973. The price of oil rose from $3 a barrel to $5.11 per barrel, sending a shock across America. By January, just a few months later, the prices were up to $11.65 a barrel. At the time, however, the United States was only dependent on foreign oil for 28 percent of its use. That percentage has grown to 58 percent today.

Put it in context: 30 years ago, 28 percent of our oil was coming from overseas, and we were dealing with $11 a barrel. Today, 58 percent is, and we are dealing with $59.60 a barrel, roughly speaking. So we have seen a dramatic increase in our dependence, a dramatic increase in price, and there is no reason to believe it is going to end. We are captives of OPEC and that cartel.

When MARIA CANTWELL came to the floor of the Senate and offered an amendment to reduce America's dependence on foreign oil by 40 percent over the next 20 years, it was soundly defeated. I think only three Republicans joined the Democrats who supported it.

To think we are overlooking in a debate on an energy bill dependence on foreign oil and the inefficiency of cars and trucks tells you how irrelevant this debate is. Any serious debate about America's energy future would talk about our dependence—overdependence—on foreign oil and the fact that we continue to drive cars and trucks that are less fuel efficient every single year.

The recent prices that have shown up also create anxiety over oil exports from other producer nations. This past Friday, the United States, Britain, and Germany closed their consulates in Nigeria, in its largest city of Lagos, due to a threat from foreign Islamic militants. The countries we are relying on for foreign oil are politically shaky, and we depend on them. If they do not provide the oil, our economy suffers, and American families and consumers suffer.

In response to the 1973 oil embargo, Congress created the CAFE program and decided at the time to increase the new car fleet fuel economy because it had declined from 14.8 miles per gallon in 1967 to 12.9 miles per gallon in 1973.

Today we face even more embarrassing statistics. Today we consume more than 3 gallons of oil per capita in the United States, whereas other industrialized countries consume 1.3 gallons per capita per day, and the world average is closer to a half a gallon per capita per day. We use four times more oil than any nation.

The amendment I am proposing would increase passenger fuel economy standards by 12.5 miles per gallon over the next 11 years, increasing fuel economy standards for nonpassenger vehicles by 6.5 miles per gallon in the same time period, for a combined fleet average of nearly 34 miles per gallon. I am increasing it 5.3 miles per gallon over current plans. Current NHTSA rulemaking would only raise it to 22.2 miles per gallon by 2007.

The average mileage of U.S. passenger vehicles peaked in 1988 at 25.9 miles per gallon and has fallen to an estimated 24.4 in 2004.

Let me show one chart which graphically demonstrates the sad reality. Remember the oil embargo I talked about, in 1973, the panic in America, the demand that our manufacturers of automobiles increase the fuel efficiency of cars over the next 10 years? They screamed bloody murder. They said the same things we are going to hear from my colleagues tonight in opposition to this amendment. They said if you want cars that get so many miles per gallon over the next 10 years, America is going to be riding around in little dinky cars such as golf carts. I heard exactly the same words on the Senate floor today.

Furthermore, if you want more fuel-efficient cars, they are going to be so darned dangerous, no family should ride in them. This is what our big three said back in 1973: We can't do this; it is technologically impossible. Frankly, if you do it, we are going to see more and more foreign cars coming into the United States.

Thank God Congress ignored them. We passed the CAFE standards. Looked what happened. Fuel-efficiency cars in a 10-year period went up to their highest levels. Now look what has happened since. It is flat or declining in some areas. It tells us, when we look at both cars and trucks, that our fuel efficiency has been declining since 1985. How can this be good for America? How can this make us less energy dependent? How can this clean up air we breathe? It cannot.

People will come to the floor of the Senate today and say: We think every American ought to buy and drive the most fuel-inefficient truck or car they choose, and if you do not stand by that, you are violating the most basic American freedom. What about the freedoms that are at stake as we get in conflicts around the world with oil-producing nations?

If we want to preserve our freedoms, we should accept personal responsibility as a nation, as families, and as individuals. Personal responsibility says we need better cars and better trucks that are more fuel efficient. We need to challenge all manufacturers of cars and trucks, foreign and domestic, to meet these standards so that we are not warping the market, we are setting a standard for the whole market.

Unfortunately, there is strong opposition to this notion. Some of those who oppose it have the most negative and backward view of American technology that you can imagine.

We understand now from reliable scientific sources—in particular the National Academy of Sciences—that we have technologies and can improve fuel efficiency of trucks by 50 to 65 percent and cars by 40 to 60 percent. But Detroit is so wedded to the concept of selling these monster SUVs and big cars that they will not use it. They will not use the technology that is currently there.

We are dealing now with hybrid technology. Let me tell a little story about hybrid technology.

First let me tell you what we are dealing with on the overall picture. This chart shows U.S. consumption of oil in the transportation sector. As we can see, light-duty vehicles represent the biggest part of it—60 percent. It is a huge part.

We also have general oil consumption in America. If we want to reduce our dependence on foreign oil, we have to focus attention on transportation—68 percent usage of the oil we import.

We know if we want to reduce dependence on foreign oil, this is what we need to do. Here is a list of all the different technologies currently available. I won't read them all through but will make them part of the RECORD as part of my statement: transmission technology, engine technologies, vehicle technologies that could be used right now to make cars and trucks more efficient.

What is going to happen over a period of time, though, is we are going to see a lot of debate about different cars and different trucks. Let me show you one in particular. I just mentioned hybrid vehicles. My wife and I decided a few months ago to buy a new car. We wanted to buy American. We did not need a big monster SUV. It is basically just the two of us and maybe a couple of other passengers. We wanted something American and fuel efficient.

Go out and take a look. You will find there is one American-made car on the market today that even cares about fuel efficiency—the Ford Escape hybrid. That is the only one. The others are made by manufacturers around the world. It turns out they are not making too many of these Ford Escape hybrids. In the first quarter of this year, Ford made 5,274. Take a look at the competition. Japan again, sadly, got the jump on us. When they came up with their Honda Accords and Civics, they ended up selling 9,317 and then 14,604 the first quarter. Toyota was 13,602, and look at the number here: 34,225.

What I am telling you is, how could Detroit miss this? When we look at the big numbers, the total sales for these cars for hybrids sold, total hybrids sold in 2004 before we ended up having an American car on the market was 83,000 vehicles. Where was Detroit? Where are they now? The only place one can turn is a Ford Escape hybrid. What are they waiting for? Do they want the Japanese to capture another major market before they even dip their toe in the water?

We have to understand that there is demand in America for more fuel-efficient cars. We also have to understand the technology is there to dramatically increase gas mileage. This Ford Escape hybrid my wife and I drive is getting a little better than 28 miles a gallon. I wish it were a lot better. Sadly, some of the Japanese models are a lot better. At least it is better than the average SUV by a long shot and better than most cars we buy. They can do a lot better if Ford, General Motors, and Chrysler would wake up to the reality. Instead, they are stuck in the past. They are going to sell more this year of what they made last year. They cannot

just look ahead as, unfortunately, their competitors in Japan have done.

The National Research Council puts away this argument that we cannot have a fuel-efficient car that is safe. The National Research Council's recent report found that increases of 12 to 27 percent for cars and 25 to 42 percent for trucks were possible without any loss of performance characteristics or degradation of safety.

What we know now is that we have the technology to make a more fuel-efficient car. They do not have to be so dinky you would not want to drive in them. They accommodate a family, and you do not compromise safety in the process.

Look at history. The automobile industry in America has resisted change for such a long time. I can remember as a college student when they came out with all the exposes about the dangers of the Corvair. Oh, Detroit just denied it completely. The auto industry, sadly, has fought against safety belts, airbags, fuel system integrity, mandatory recalls, side impact protection, roof strength, and rollover standards. I am not surprised they are fighting against fuel efficiency, but I am disappointed. They just don't get the marketplace. As the price of oil goes up and the price of gas goes up, Americans want an alternative—a safe car they can use for themselves and their family that is fuel efficient.

Let me talk about the loss of jobs. The argument is made that if we have more fuel-efficient cars, we are just going to be giving away American jobs. It comes from the same industry where General Motors announced 2 weeks ago they were laying off 25,000 people, and Ford announced they were laying off 1,700 this week. They have to see the writing on the wall. Their current models are not serving the current market. Their sales are going down while the sales from foreign manufacturers are going up.

There was an auto industry expert on NPR a few weeks ago, Maryann Keller. She said:

> General Motors has been focused in the United States on big SUVs and big pickup trucks. . . . It worked as long as gas was cheap, but gas is not cheap . . . They really have not paid attention to fuel economy technology, nor have they paid attention to developing crossover vehicles which have better fuel economy. They've just been very late to the party and that's probably their primary problem today in the marketplace.

We ought to ask the American people what they want. We are going to hear a lot of people stand up and say what they want. I will tell you what the latest polls say: 61 percent of Americans favor increasing fuel-efficiency requirements to 40 miles a gallon. They get it; they understand it. The problem is they can't buy it. If you want to buy an American car that meets this goal in your family's mind, there is only one out there. Some will come trailing along in a year or two, but the Japanese have beaten us to the punch again.

Let's create an incentive for Detroit and for Tokyo. Let's create an incentive for all manufacturers that are selling cars in the United States, an incentive that lessens our dependence on foreign oil, cleans up the air, and gives us safe vehicles using new technology. Those who are convinced that America cannot rise to this challenge do not know the same Nation I know. We can rise to it. We can succeed. We can meet our energy needs in the future by making good sense today in our energy policy.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DURBIN. Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator from Illinois has 22 minutes remaining.

Mr. DURBIN. I will be happy to yield to the Senator from Florida.

Mr. NELSON of Florida. I thank the Senator for laying out so clearly the fact that we are so dependent on foreign oil. If we really want to do something about it—as the Senator has explained by the charts, it is clear that most of the oil that is consumed in America is consumed in the transportation sector and most of the oil that is consumed in the transportation sector is consumed in our personal light vehicles. So if we really want to do something about weaning ourselves from dependence on foreign oil, of which almost 60 percent of our daily consumption of oil is coming from foreign shores, this is where we can make a difference.

Mr. DURBIN. The Senator from Florida is correct. I will tell him I know what I am up against. I think the Senator from Florida, being a realist, does too. When you have the major automobile manufacturers who are frightened by the challenge—they are afraid of this challenge. They do not think they can meet it. They have been beaten to the punch by Japan when it comes the hybrid cars. Instead, they started talking about hydrogen fuel vehicles. That may happen in my lifetime, but it is just as likely it will not happen in my lifetime. Instead of dealing with hybrid vehicles that are already successful with consumers in America, they are afraid of this challenge. Because they are afraid of this challenge, they throw up all of these arguments: oh, that car is going to be a golf cart, it is going to be so tiny if it is fuel efficient, it is not going to be safe; there is just no way that American engineers can even figure out how to make them.

I do not buy it. I think, as I said to the Senator and others who are listening, the technology is there. We do not have to compromise safety. What is wrong with the challenge? What is wrong with the challenge from the President and the Congress asking the manufacturers selling cars in America to make them more fuel efficient? This legislation does not do it; my amendment would.

Mr. NELSON of Florida. Would it not be something if we could start to have all new vehicles be required, in some way, to be hybrid and/or higher miles per gallon standard, if that were combined with an additional thing like ethanol into gasoline, ethanol that could be made more cheaply, perhaps from prairie grass—that is on 31 million acres; all it needs to be is cut—instead of a more expensive process of corn, although that certainly is a good source of ethanol. Would we not start to see exponentially our ability to wean ourselves from dependence on foreign oil?

Mr. DURBIN. The Senator from Florida has a vision that I share, and that is alternative fuels, fuels that are renewable such as those the Senator has described, ethanol and biodiesel, and vehicles that do not use as much fuel.

Senator OBAMA and I have a public meeting every Thursday morning, and there was a real sad situation today. A group of parents brought in children with autism to talk about that terrible illness and the challenges they face. More and more of that illness, and others, are being linked to mercury. Whether it is in a vaccine, I do not know; whether it is in the air, most certainly it is. If we can reduce emissions by reducing the amount of fuel that we burn, would my colleagues not believe we would be a healthier nation? Maybe there would be fewer asthma victims. Maybe some of these poor kids who are afflicted with respiratory problems would be spared from them.

I cannot believe people can rationally stand on the Senate floor and say what we need is to give Americans a choice of driving a car that burns gasoline and gets 6 miles per gallon; boy, that is the American way. Well, that is selfish. It really is. We ought to be looking at national goals that bring us, as an American family, together to do the responsible thing.

Mr. NELSON of Florida. I thank the Senator for being so eloquent in laying out what is a looming crisis. The crisis is going to hit us. We may not suspect it. It may hit us in the way of radical Islamists suddenly taking over major countries where those oilfields are, such as Saudi Arabia. If that occurs, Lord forbid. Then we are going to have a crisis, and we are going to be wishing that we were not so dependent on foreign oil, as we are now.

Mr. DURBIN. I thank the Senator. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 15 minutes.

I rise to address some of the lingering questions regarding Corporate Average Fuel Economy, or CAFE standards. I was hoping this debate would not be necessary because we have debated it, we have resolved it, we have set a process in place, and it is working. Obviously, we are here again. We have been through this CAFE debate in the 107th

and 108th Congresses, and with the Durbin amendment before us we get to go through it once again in this Congress. Surely, my colleagues remember that both of the previous CAFE amendments in the last two Congresses were soundly defeated.

Why were they? Because Members of this body realize that CAFE is a complex issue that requires thought and scientific analysis, not just political rhetoric.

The Bond-Levin amendment that was passed in 2003 by a vote of 66 to 30 requires the National Highway Traffic Safety Administration, or NHTSA, to increase CAFE standards as fast as technology becomes available. It is a scientific test based on science, not politics.

We must recognize at the beginning that the Durbin amendment costs lives, costs U.S. jobs, and deprives consumers of their basic free will to choose the vehicle that best fits their needs and the needs of their families. Neither the lives of drivers or passengers on our Nation's highways nor the livelihood of autoworkers and their families should be placed in jeopardy so Congress can arbitrarily increase infeasible and scientifically unjustified standards for fuel efficiency.

Any fuel efficiency standard that is administered poorly, without a sound scientific analysis, will have a damaging impact on automobile plants, suppliers, and the fine men and women who build these vehicles.

There have been many arguments that a large increase in CAFE standards is needed to pressure automakers to invest in new technologies which will consistently increase automobile fuel efficiency. Automobile manufacturers already utilize advanced technology programs to ensure the improvement of fuel efficiency, the reduction of emissions and driver and passenger safety, and they are being pushed to do so by NHTSA regulations. Auto manufacturers are constantly investing capital in advanced technology research by the integration of new products, such as hybrid electric and alternative fuel vehicles and higher fuel efficiency vehicles. So far, the auto industry has invested billions of dollars in developing and promoting these new technologies. Diverting resources from further investments in these programs in favor of arbitrarily higher CAFE standards would place a stranglehold on the technological breakthroughs which are already taking place.

Alternative fuels, such as biodiesel, ethanol, and natural gas, have continuously been developed to service a wide variety of vehicles. The automotive industry continues to utilize breakthrough technology which focuses on the development of advanced applied science to produce more fuel-efficient vehicles, while at the same time producing innovative safety attributes for these vehicles.

Furthermore, modifications need time to be implemented. According to the National Academy of Sciences:

> Any policy that is implemented too aggressively (that is, too much in too short a period of time) has the potential to adversely affect manufacturers, suppliers, employees and consumers.

The NAS further found that no car or truck can be prepared to reach the 40 miles per gallon or 27.5-mile-per-gallon level required for fleets within 15 years. The Durbin amendment would require it in 11. That makes it clear that if we try to shove unattainable standards down the throats of automakers, the workers and the companies, we will have a problem.

What will we have achieved by doing so? There is the false perception that the Federal Government has done nothing to address CAFE standards. Nothing could be further from the truth. On April 3, 2003, NHTSA set new standards for light trucks for the model years 2005 through 2007. These standards are 21 miles per gallon this year; 21.6 next year; and 22.2 the following year. This 1½-mile-per-gallon increase during this 3-year-period more than doubles the last increase in light truck CAFE standards that occurred between 1986 and 1996. This recent increase is the highest in 20 years.

In addition, by April 1 next year, NHTSA will publish new light truck CAFE standards for model year 2008 and possibly beyond. Most stakeholders expect a further increase in CAFE standards for these years as well.

It is important to understand that NHTSA is doing this, utilizing scientific analysis as a basis for these increases. We must proceed with caution because higher fuel economy standards, based on emotion or political rhetoric, not sound science, can strike a major blow to the economy, the automobile industry, auto industry jobs, and our Nation. Highway safety and consumer choice will also be at risk.

Letting NHTSA promulgate standards is the appropriate way to do it, and that is what almost two-thirds of the Members of this body decided when we brought the last Levin-Bond amendment before us.

In an April 21 letter this year, Dr. Jeff Runge, Director of NHTSA, said:

> The Administration supports the goal of improving vehicle fuel economy while protecting passenger safety and jobs. To this end, we believe that future fuel economy must be based on data and sound science.

Those advocating arbitrary increases may try to avert any discussion of the impact on jobs or dismiss the argument. However, I have heard from a broad array of union officials, plant managers, local automobile dealers and small businesses who have told me that unrealistic CAFE standards cut jobs because the only way for manufacturers to meet these numbers is to make significant cuts to light truck, minivan and SUV production. But these are the same vehicles that Americans continue to demand and American workers produce.

On June 17, this month, I received a letter from the UAW regarding CAFE amendments, such as the Durbin amendment, which speaks volumes about the detrimental impact that further CAFE increases could have on the automotive industry. The letter states that:

> the UAW continues to strongly oppose these amendments because we believe the increases in CAFE standards are excessive and discriminatory, and would directly threaten thousands of jobs for UAW members and other workers in this country.

It further states:

> In light of the economic difficulties currently facing GM and Ford, the UAW believes it would be a profound mistake to require them now to shoulder the additional economic burdens associated with extreme, discriminatory CAFE standards. This could have an adverse impact on the financial condition of these companies, further jeopardizing production and employment for thousands of workers throughout this country.

However, the UAW does strongly support the newly introduced Bond-Levin amendment requiring NHTSA to continue the rulemaking efforts to issue new fuel economy standards for cars and light trucks, based on a wide range of factors such as technological feasibility and the impact of CAFE standards. I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE, & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

Washington, DC, June 17, 2005.

DEAR SENATOR: Next week the Senate is scheduled to continue debate on the comprehensive energy legislation. At that time, the Senate may consider a number of amendments relating to Corporate Average Fuel Economy (CAFE) standards.

The UAW strongly supports the Levin-Bond amendment which would require the Department of Transportation to engage in rulemaking to issue new fuel economy standards for both cars and light trucks, taking into consideration a wide range of factors, including technology, safety, and the impact on employment. This amendment is similar to the Levin-Bond amendment that was approved by the Senate in the last Congress. The UAW supports the approach contained in this amendment because we believe it can lead to a significant improvement in fuel economy, without jeopardizing the jobs of American automotive workers.

The UAW understands that Senators McCain, Feinstein or Durbin may offer amendments that I would mandate huge increases in the CAFE standards. These amendments are similar to proposals that have been considered and rejected decisively by the Senate in previous Congresses. The UAW continues to strongly oppose these amendments because we believe the increases in the CAFE standards are excessive and discriminatory, and would directly threaten thousands of jobs for UAW members and other workers in this country. In our judgment, fuel economy increases of the magnitude proposed in these amendments are neither technologically or economically feasible. The study conducted by the National Academy of Sciences does not support such increases. The UAW is particularly concerned that the structure of these proposed

fuel economy increases—a flat mpg requirement for cars and/or light trucks—would severely discriminate against full line producers, such as GM, Ford and DaimlerChrysler, because their product mix contains a higher percentage of larger cars and light trucks. This could result in severe disruptions in their production, and directly threaten the jobs of thousands of UAW members.

Furthermore, in light of the economic difficulties currently facing GM and Ford, the UAW believes it would be a profound mistake to require them now to shoulder the additional economic burdens associated with extreme, discriminatory CAFE increases. This could have an adverse impact on the financial condition of these companies, further jeopardizing production and employment for thousands of workers throughout this country.

The UAW continues to believe that improvements in fuel economy are achievable over time. But we believe that the best way to achieve this objective is to provide tax incentives for domestic production and sales of advanced technology (hybrid and diesel) vehicles, and to direct the Department of Transportation to continue promulgating new fuel economy standards that are economically and technologically feasible.

Thank you for considering our views on these important issues.

Sincerely,

ALAN REUTHER,
Legislative Director.

JUNE 16, 2005.

Hon. BILL FRIST,
Senate Majority Leader,
Washington, DC.

DEAR MAJORITY LEADER FRIST: The U.S. Senate is in the process of considering various energy-related provisions and amendments to the comprehensive energy bill which passed the Committee on Energy and Natural Resources earlier this month. It has come to our attention that amendments may be forthcoming calling for increases to the Corporate Average Fuel Economy (CAFE) standards including light trucks. The Committee on Energy and Natural Resources defeated similar amendments, in a bipartisan way. The organizations listed below strongly oppose any increase in CAFE standards.

Our opposition is based on concerns that such a federal mandate will have a negative impact on consumers and translate directly into a narrower choice of vehicles for America's farmers and ranchers, who depend on affordable and functional light trucks to perform the daily rigors of farm and ranch work. Our groups cannot support standards that increase the purchase price of trucks, while decreasing horsepower, towing capacity, and torque. In addition, recent studies indicate that an aggressive increase in the CAFE; standard for light trucks could add over $3,000.00 in the purchase price per vehicle. This would result in yet another added production cost for U.S. farmers and ranchers that cannot be passed on when selling farm commodities.

On behalf of farm and ranch families across the country who rely on affordable light trucks and similar vehicles for farming and transportation needs, we urge you to oppose any amendments calling for an increase in CAFE standards as well as any amendment which will have the effect of increasing those standards.

Sincerely,

NATIONAL CATTLEMEN'S BEEF ASSOCIATION,
AMERICAN FARM BUREAU FEDERATION,
AGRICULTURAL RETAILERS ASSOCIATION,
NATIONAL CORN GROWERS ASSOCIATION,
THE FERTILIZER INSTITUTE,
NATIONAL MILK PRODUCERS FEDERATION,
NATIONAL GRANGE,
AMERICAN SOYBEAN ASSOCIATION.

MAY 13, 2005.

Hon. PETE DOMENICI,
Chairman, Senate Energy and Natural Resources Committee, Washington, DC.

DEAR CHAIRMAN DOMENICI: The Senate Energy and Natural Resources Committee will soon consider various energy-related provisions and amendments to the comprehensive energy bill which passed the U.S. House of Representatives a few weeks ago. It has come to our attention that amendments may be forthcoming calling for increases to the Corporate Average Fuel Economy (CAFE) standards including light trucks. The organizations listed below strongly oppose any increase in CAFE standards.

Our opposition is based on concerns that such a federal mandate will have a negative impact on consumers and translate directly into a narrower choice of vehicles for America's farmers and ranchers, who depend on affordable and functional light trucks to perform the daily rigors of farm and ranch work. Our groups cannot support standards that increase the purchase price of trucks, while decreasing horsepower, towing capacity, and torque. In addition, recent studies indicate that an aggressive increase in the CAFE standard for light trucks could add over $3,000.00 in the purchase price per vehicle. This would result in yet another added production cost for U.S. farmers and ranchers that cannot be passed on when selling farm commodities.

On behalf of farm and ranch families across the country who rely on affordable light trucks and similar vehicles for farming and transportation needs, we urge you to oppose any amendments calling for an increase in CAFE standards.

Sincerely,

National Cattlemen's Beef Association, Public Lands Council, The Fertilizer Institute, National Corn Growers Association, National Grange, American Farm Bureau Federation, Agricultural Retailers Association, National Milk Producers Federation, National Association of Wheat Growers.

Mr. BOND. This is very important to know because 1 out of every 10 jobs in our country is dependent on new vehicle production and sales. The auto industry is responsible for 13.3 million jobs, or 10 percent of private sector jobs. Auto manufacturing contributes $243 billion to the private sector, over 5.6 percent of the private sector compensation. Every State in the Union is an auto State. Let us take a look at that chart. The occupant of the chair is from North Carolina. That has 158,000. The State of Illinois has 311,000. My State has 221,000. The State of Michigan has 1,007,500.

I have heard it said that we should not worry about these jobs. The proponents of the amendment to increase it say that it is not going to do any harm.

But if you adopt this amendment you can kiss tens of thousands of good, high-paying, American, union manufacturing jobs goodbye. I am not willing to do that to the 36,000 men and women working directly in the automotive industry, nor to the over 200,000 men and women who work in auto-dependent jobs in my State.

But it is not just jobs. It is safety. According to the National Academy of Sciences:

> Without a thoughtful restructuring of the program . . . additional traffic fatalities would be the tradeoff if CAFE standards are increased by any significant amount.

You see, we have learned in the past that when you have politically inspired CAFE increases which cannot be achieved with technological means, the only way of achieving them is by making the cars lighter, 1,000 pounds to 2,000 pounds lighter.

Do you know what. More people die in those smaller cars than in the full-size cars that they replace. Since it began, we are running about 1,500 deaths a year. In August of 2001, the NAS issued a report which found that between 1,300 to 2,600 people in 1993 alone were killed in these smaller automobiles. It is not just smaller automobiles hitting larger automobiles—43 percent of those deaths were in single-car accidents.

My colleague from Illinois has suggested we disregard these statistics as estimates. These are not estimates, these are dead people. These are people who died from politically inspired CAFE. That is what we are talking about. Excessive CAFE standards pressure automobile manufactures to reduce the weight for light trucks, completely do away with larger trucks used for farming and other commercial purposes.

My colleague from Illinois mentioned golf carts—yes, golf carts would comply. But certainly the pickup trucks that a lot of farmers in my State drive would not make it.

If an increase in fuel economy is brought about by encouraging downsizing, weight reduction, or more small cars, it will cause additional traffic fatalities. The notion that people's lives and safety are hanging in the balance because of unwarranted CAFE increases should cause all of us some concern. The ability to have a choice of the vehicle assures the safety of one's family. It should not be a sacrifice that must be made in favor of arbitrary fuel efficiency standards.

I don't want to tell the people in my State or any other State they are not allowed to purchase an SUV because Congress decided it would not be a good choice. That sounds like the command and control economy of the Soviet Union.

Another very important point is the impact of increased CAFE standards on consumer choice and affordability. Despite the record high cost of gasoline sales, light truck sales have continued to skyrocket. In the past 25 years, sales of light trucks have almost tripled. In March of 2005, full-size pickup trucks occupied three of the top five sales positions, including the No. 1 and 2 spots. From these numbers and from these

charts it is obvious that consumers consistently favor safety, utility, performance, and other characteristics over fuel economy. The only way to stop sales of these vehicles would be to enact Soviet-style mandates, declaring that auto manufacturers could no longer produce light trucks and SUVs, and consumers could no longer buy them.

Some people in this body apparently believe our fellow Americans cannot be trusted to make the right choice when purchasing a vehicle. As far as I am concerned, when you get down to having the Government making the choice or the consumer making the choice, I am with the consumer.

Just how arbitrary would these CAFE cost increases be to consumers? The CBO last found that raising fuel standards for cars and trucks by 4 miles per gallon could cost consumers as much as $3.6 billion.

I also have a copy of a recent letter that was sent to Chairman DOMENICI and Majority Leader FRIST from a consortium of agricultural organizations which states that ''recent studies indicate that an aggressive increase in CAFE standards for light trucks could add over $3,000 to the purchase price per vehicle. It is signed by the National Cattlemen's Association, the National Corn Growers, the American Farm Bureau, National Milk Producers and the National Association of Wheat Growers among others. They oppose these arbitrary increases because they believe they will have a negative impact on consumers, and translate directly into a narrower choice of vehicles for America's farmers and Ranchers, who depend on affordable and functional light trucks to perform the I daily rigors of farm and ranch work. I submitted this letter for the RECORD.

Finally, I must to dispel the myth that CAFE increases reduce our Nation's dependence on foreign oil. According to the American International Automobile Dealers:

> Despite the claims of CAFE advocates, experience shows that CAFE does not result in the reduction of oil imports. The import share of U.S. oil consumption was 35% in 1974. Since that time, new car fuel economy has doubled but our oil imports share has climbed to almost 60%.

In that 30 year time frame, the consumption of gasoline has increased and not decreased. The bottom line is that after 30 years of CAFE standards, our nation is more dependent on foreign oil than ever before.

I believe that there are other better ways to reduce our Nation's dependence on foreign oil than massive increases in CAFE standards. These include promoting the development and use of alternative fuels such as ethanol, bio-diesel and natural gas. We should pass legislation that encourages the development of advance fuel technology such as hybrid and fuel cell vehicles that utilize hydrogen and other sources of energy. We should also focus on increasing domestic supplies I of energy that include oil and natural gas.

We must talk about what is technologically feasible and what will produce better fuel economy, while continuing to preserve and produce jobs, and not risk the lives of drivers and their families on our nation's roads. We must continue to ensure the safety for parents and their children, and we must not throw out of work the wonderful American men and women who are making these automobiles in my state and across the entire nation.

In light of this, Senator LEVIN and I have reintroduced an amendment that was '' adopted by the Senate in the previous two Congresses, which maintains the authority of the National Highway Traffic Safety Administration—subject to public comment—to determine passenger auto standards based upon the ''maximum feasible'' level. Under the Bond-Levin Amendment, determinations to this feasibility level include the following factors:

No. 1. Technological feasibility;

No. 2. Economic Practicability;

No. 3. The effect of other government motor vehicle standards on fuel economy;

No. 4. The need of the nation to conserve energy;

No. 5. The desirability of reducing U.S. dependency on foreign oil;

No. 6. The effects of fuel economy standards on motor vehicle safety, and passenger safety;

No. 7. The effects of increased fuel economy on air quality;

No. 8. The adverse effects of increased CAFE standards on the competitiveness of U.S. manufacturers;

No. 9. The effects of CAFE Standards on U.S. employment;

No. 10. The cost and lead time required for the introductions of new technologies; and

No. 11. The potential for advanced hybrid and fuel cell technologies.

Every factor, which I have just mentioned, must play a major role in the consideration of setting future fuel efficiency standards for vehicles. The Bond-Levin amendment provides for these impacts and leaves it to the experts at NHTSA to develop viable standards based on this criteria and sound scientific analysis.

The Bond-Levin amendment also extends the flexible fuel or ''duel fuel'' credit to continue to provide incentives for automakers to produce vehicles that are capable of running on alternative fuels such as ethanol/gasoline blends. So far these incentives have been successful in putting more than 4 million alternative fuel vehicles on our nation's roads. This will be another positive step in helping our Nation reduce its dependence on foreign oil.

Again, this debate is about safety, jobs, consumer choice and sound scientific analysis.

I urge my colleagues to oppose the arbitrary and unscientific Durbin amendment, and to support the Levin-Bond 2nd degree amendment.

I yield to my colleague from Michigan—how much time does he want?

The PRESIDING OFFICER. The Senator from Missouri has 24½ minutes.

Mr. LEVIN. Is the time combined on the two amendments?

The PRESIDING OFFICER. The Senator from Illinois has 17 minutes remaining.

Mr. LEVIN. That is on both amendments combined?

The PRESIDING OFFICER. That is correct.

Mr. BOND. I yield 15 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first let me thank Senator BOND for his work on this amendment, which offers an alternative, a rational alternative. This alternative would allow the agency that is the expert to weigh all the factors that should go into a rulemaking and to raise CAFE standards in a logical and rational and scientific way rather than a totally arbitrary way, which is what the Durbin amendment does.

Of course, we want to raise CAFE standards. We want to do it in a way that protects the environment and protects jobs in America. But we do not want to do it in a way that will not protect the environment and will destroy jobs in America at the same time.

We need to improve fuel economy, but how we increase it is critical. That is the main point I am going to make. You need to do it, but how we do it is critical. The question is whether we are going to do it through a rulemaking on the part of an agency looking at all the relevant factors, and I am going to list them in a moment or whether we are going to just pick a number out of the air. The number of the Senator from Illinois is 40—just go to 40 miles per gallon on the fleet and at the same time, by the way, just add trucks to the car fleet for the first time. It is not just cars now that have to get to 40 miles per gallon under the proposal of the Senator, but we add minivans and sport utility vehicles to that fleet—and it is done arbitrarily. It is not based on the considerations that a rational agency should bring to bear on rulemaking, which is what NHTSA is there for.

Instead we are going to 40 miles per gallon for the whole fleet. We are throwing trucks into the car fleet to boot. It is a triple whammy to American jobs in the Durbin amendment. The first whammy is that the numbers that he picks are total arbitrary numbers: 40 miles per gallon, and he adds two of the three types of light trucks to the car fleet.

Rather than legislating an arbitrary number, what the Bond-Levin amendment does is to tell NHTSA to take a number of important considerations into account when setting the level of the standard. Here are the 13 factors that we tell NHTSA to consider. We think we have found and identified every rational standard or criterion

which they ought to look at in setting this number.

First, maximum technological feasibility.

Second, economic practicability.

Third, the effect of other Government motor vehicle standards on fuel economy—because we have other standards, in terms of clean air and emissions, which bear on fuel economy. Someone, NHTSA, should take that into account.

Fourth, the need to conserve energy.

Fifth, the desirability of reducing U.S. dependence on foreign oil.

Next, the effect on motor vehicle safety. This is a point which Senator BOND has made, which the National Academy of Sciences has commented on.

Next, the effects of increased fuel economy on air quality.

Next, the adverse effects of increased fuel economy standards on the relative competitiveness of manufacturers.

Next, the effect on U.S. employment.

Next, the cost in lead time required for introduction of new technologies.

Next, the potential for advanced technology vehicles, such as hybrid and fuel cell vehicles, to contribute to significant fuel usage savings.

Next, the effect of near-term expenditures required to meet increased fuel economy standards on the resources available to develop advanced technologies.

Finally, to take into account the report of the National Research Council entitled ''Effectiveness and Impact of Corporate Average Fuel Economy Standards.''

Those are 13 factors that ought to be considered in a rulemaking, instead of just an arbitrary seizure on a number that is then put into law and imposed on everybody arbitrarily.

The Durbin amendment, in addition to adopting an arbitrary number, worsens the discriminatory features of the existing CAFE system because there are inherent discriminatory features in that system that give an unfair competitive advantage to foreign automotive manufacturers while not benefiting the environment. The reason for this is a bit complicated. I hope every Member of this body will look very hard at the CAFE system and not just look at the amendments that are before us, but also look at the situation we have where CAFE already gives a discriminatory boost to imported vehicles. The CAFE system gives this boost, not because the vehicles are more efficient—because they are not. The same size imported vehicles have about the same fuel economy as the same size domestic vehicles.

I want to give some examples. There is no difference in terms of fuel economy. But the CAFE system, because of the way it has been designed, gives a discriminatory boost to imports because the domestic manufacturers provide a full line of different sized vehicles, which results in a lower fleet average.

Let's just take four vehicles. This is a comparison of vehicle fuel economy, pound per pound. We are looking at vehicles of the same size.

Here is an example of a large SUV. The Chevrolet Suburban weighs 6,000 pounds. The Toyota Sequoia weighs 5,500 pounds. So the Sequoia, in this case, is actually lighter than the Suburban. But the Sequoia, Toyota, is less fuel efficient—although it is slightly lighter—than the Chevrolet Suburban.

The Jeep Liberty, 19 miles per gallon; the Toyota 4Runner, slightly less fuel efficient, although they are the same weight, 4,500 pounds.

The example of a large pickup truck, the Chevrolet Silverado gets 18 miles per gallon, the Toyota Tundra gets 17 miles per gallon. They both weigh the same amount, 4,750 pounds. The Toyota Tundra, slightly less fuel efficient than the Chevrolet Silverado.

The Chevrolet Venture and the Toyota Sienna both weigh exactly the same, 4,250 pounds. The Chevrolet Venture is slightly more fuel efficient than the Toyota Sienna.

The point of this is to try to bring to bear the fact that, when you have vehicles of about the same weight, you have about the same fuel economy, in these cases slightly better fuel economy on the part of the Chevrolet and the Jeep, than we do the Toyota.

You never get that impression from the charts that we see from the Senator from Illinois. That is not the impression that you get. He says that Toyota does everything more efficiently, they do all the hybrids. We, on the other hand, do all the big vehicles.

We do not make all the big vehicles. As a matter of fact, the growth in the sale of Toyotas and Hondas, when it comes to light trucks primarily pick up trucks and SUVs is dramatically greater than anything they are doing in the area of hybrids. Their hybrid sales are a peanut compared to the growth in light truck sales. Hybrids represent 1 percent of the market, but when you look at the light truck sales on the part of Toyota and Honda, there are dramatic increases in numbers of sales of those vehicles. That is not because they are more fuel efficient, they are not. In some cases, they are slightly less. Let's assume they are the same. The sale of those light trucks has nothing to do with their fuel efficiency. It has to do with legacy costs, but I am not going to get into that at this point.

So we have a situation where, because of the CAFE system, which is designed to look at the entire fleet average, because the imports have traditionally had a lot smaller vehicles—smaller trucks and SUVs in their fleet, they have a lot more ''headroom'' to sell all the light trucks they want without being penalized under the CAFE system.

It doesn't do the environment one bit of good to tell people you can buy a Toyota Tundra but not a Chevrolet Silverado. But that is what the CAFE system does.

That is what the CAFE system does. Toyota has ''headroom''—and I will give you the numbers in a moment—to sell huge additional numbers of their vehicles but a company like GM does not. That does nothing for the environment. Quite the opposite, it slightly hurts the environment. But call it a draw. It does nothing for the environment, and it damages American jobs. That is an inherent defect in the CAFE system. The Durbin amendment exacerbates that defect because it builds into the system an even larger number that must be met.

By the way, these are the numbers I said a moment ago. This is the headroom, the additional sale of large pickups or SUVs allowed under CAFE. Toyota can sell an additional 1.8 million vehicles and still meet the CAFE standard. Honda can sell an additional 2.6 million vehicles and still meet the CAFE standard. But GM cannot sell any additional vehicles. But that is not because the Toyota and Honda vehicles are more fuel efficient. I cannot say that enough times. It is not because they are more fuel efficient. They are not more fuel efficient. At best, they are even.

What good does it do to tell folks: You can buy a Tundra but not a Silverado? Why are we doing that to ourselves? It is not for the environment because it is no more environmentally friendly. Why are we doing that to ourselves? Why are we doing that to American jobs?

The growth in sales of the imported vehicles is dramatic. It overwhelms the numbers of hybrids being sold. My dear friend from Illinois shows on his chart hybrid sales of something like 35,000. Meanwhile, Toyota's truck sales include 700,000 pickup trucks and SUVs this year. The impression of my colleague's chart is, look at all of the hybrids they are selling. But this is a peanut compared to the number of large trucks they are selling. So do not say the Big 3 are selling all the large vehicles and let everyone else off the hook. They are all selling a lot more large trucks than they are hybrids.

Mr. BIDEN. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. BIDEN. Why don't we change the standard, the CAFE standard? Why is no one recommending that? Why don't we say that every vehicle, based on weight, no matter where it is made, must meet the same exact standard? Why don't we do that?

Mr. LEVIN. It could be done. And NHTSA has a right to do that under our bill if it is logical to do that. But we should not set the number. We could say to NHTSA, and it is a perfectly logical argument, it seems to me that you should have the same mile per gallon standard for the same size vehicle. That is a logical argument. But that is not what is in this amendment. This builds on a defective system and makes it worse.

Mr. BIDEN. If the Senator will yield, I have trouble with the amendment of the Senator from Illinois, but I also

have trouble with the amendment of the Senator from Michigan. It seems to me we have a problem, a big problem. I don't think we can meet the standard of the Senator from Illinois in time, and I think it would damage American jobs significantly.

But I don't understand why we do not bite the bullet and say, whether NHTSA does it or not, you can't drive a Toyota that gets less miles than a Dodge Durango or an American-made car because you have a fleet average.

The PRESIDING OFFICER. The Senator from Michigan should be advised his time has expired.

Mr. DURBIN. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator from Illinois has 17 minutes; the Senator from Missouri has 9 minutes 20 seconds.

Mr. DURBIN. I will speak for a few minutes and yield to my colleague and friend from Missouri.

To the Senator from Delaware, I am talking fleet average. That applies to German, Japanese, American cars—to all cars. The argument, buy a Toyota Tundra, do not buy a Chevrolet Silverado that is not true. This is not a standard for American-made cars but a standard for cars sold in America from wherever they are manufactured.

Yes, the rules will apply to American manufacturers the same as they apply to others. Don't we want that? Isn't our goal to reduce the consumption of oil in America and our dependence on foreign oil? I no more stand here and put a discriminatory amendment up for American manufacturers and workers and say, You have to play to a higher standard than Japanese, German, Swedish, or whatever the source might be of the other car. This is a fleet average. It does not mean that every car has to meet this average. It is an average, which means there will be larger cars and larger trucks that will get lower mileage, but there must be more fuel-efficient cars that bring it to an average number.

Let me also talk about the unrealism of my proposal. For the record, increasing the fuel efficiency of passenger cars by 12½ miles per gallon over the next 11 years, the argument that it is beyond us, Americans cannot imagine how we would do such a thing—NHTSA has required that trucks in our country increase their fuel efficiency by 2.2 miles a gallon over 2 years. So they are improving by more than a mile a gallon over 2 years. My standard for all is 12½ miles over 11 years. Why is this such a huge technological leap? I don't think it is.

I yield for a short question on a limited time.

Mr. BIDEN. I truly am confused. I don't doubt what the Senator says. I don't fully understand it.

It is a fleet average. Toyota makes an automobile—I am making this up—that gets 60 miles per gallon when people drive around in Tokyo that they will not sell here at all in order that they can make a giant Toyota truck that gets poorer mileage or as poor mileage as our truck, and they get to sell it here because they have averaged out their fleet.

My question is, Why don't we just say, based on the weights of these vehicles, everybody has to meet the same standard, not an average, because people are not buying two-seater 60-mile-per-gallon vehicles here as they are in Europe where it is $4 a gallon. That is my question.

Mr. DURBIN. Let me say to the Senator from Delaware, if that is the loophole, I want to close it.

Mr. BIDEN. I think it is.

Mr. DURBIN. I am concerned about what is sold in America. I am concerned about the oil that is consumed in America and the gasoline consumed in America. I don't care if Toyota makes a car that is sold in Australia and what the mileage might be. That is their concern.

For us to take the attitude or approach that we are not even going to hold the manufacturer to any higher standards with fuel efficiency in my mind is a concession that we will be dependent on foreign oil for as long as we can imagine.

The Senator from Missouri says I am engaged in a ''Soviet survival'' approach to the economy. I will just tell him that I don't believe it was a Soviet-style approach which enacted CAFE in the first instance and resulted in such a dramatic decline in our dependence on foreign oil.

As to the argument that this kills jobs, the idea this kills jobs, I ask unanimous consent to have printed in the RECORD a letter of endorsement from the Transport Workers Union of America. Here is one union that supports it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSPORT WORKERS UNION OF AMERICA,
Washington, DC, June 16, 2005.

DEAR SENATOR: On behalf of the 130,000 members of the Transport Workers Union and transit and rail workers everywhere, we urge you to vote for the Durbin CAFE amendment to the pending energy bill to raise fuel economy standards.

The amendment requires all car companies in America—both domestic and foreign—to increase average fuel efficiency. This is achievable with current technology and so clearly in the national interest that it is difficult to understand how anyone could oppose it:

(1) National Security—in an era when the United States is under attack from foreign fanatics, it is of critical importance to reduce our dependence on foreign oil imports, most especially when those imports support and subsidize those very nations which are the source of these attacks.

(2) Air Pollution—Opponents of environmental measures are fond of citing the need for established, proven science. There is no dispute that auto emissions are one of the major sources of air pollution in the modern era.

(3) Reducing Health Costs—Auto emissions are a major cause of asthma and other respiratory diseases and a major contributor to the rising health care costs in America. These costs are, in turn, a major factor in the difficulty American manufacturers have in competing with foreign manufacturers.

It would be disingenuous to pretend that the members of the Transport Workers Union do not have a major stake in reducing the costs to the U.S. economy—accidents, death, healthcare, pollution cleanup, and enforcement—of automobile use. Certainly anything that would stop the extreme subsidizing of auto use in America and allow the marketplace to drive consumers to the most efficient use of transportation resources would increase jobs for the rail and transit workers we represent.

But that is an important point. Tightening auto fuel efficiency standards would not, as some argue, reduce American jobs. It would simply transfer them from one industry to another—to an industry which is not only highly unionized and highly compensated, but which promotes the national interest of security, a clean environment and lower health care costs.

We urge you to vote for the Durbin fuel economy amendment to the energy bill.

Sincerely,

ROGER TAUSS,
Legislative Director,
Transport Workers Union.

Mr. DURBIN. And I might also say the National Environmental Trust says that by 2020, nearly 15,000 more U.S. autoworkers would have jobs because of a higher fuel efficiency standard, a 14-percent increase in average annual growth in U.S. auto industry employment, an auto industry that is declining in terms of the people who are working there.

In terms of the savings, the Senator from Missouri was troubled by the notion that American consumers would spend $3.6 billion for this new technology in these more fuel-efficient vehicles. What the Senator does not acknowledge is that by making that investment of $3.6 billion, under my amendment the savings in fuel to consumers will be over $110 billion; $3.6 billion in new cars and trucks, $110 billion of savings to consumers.

So would you get rid of an old gas guzzler to have a more fuel-efficient engine if it meant a trip to the gasoline station did not require taking out a loan at a local bank? Of course you would. That is only smart and only sensible.

Let me also say on the issue of safety, if you see the memo on safety on the vehicles involved, we know that we have the potential here of building vehicles that are safer and fuel efficient. We have statistics that relate to cars and trucks sold, but, in fairness, these are statistics in a period from 1994 and 1997. I will assume SUVs are a lot safer today.

But if you think it is a given that an SUV is safer than a car, the Honda Civic, at 2,500 pounds, had a year death rate of 47 per million registered vehicle miles; a 5,500-pound vehicle—twice as large—four-wheel-drive Chevy Suburban had a death rate of 53 per million registered vehicle miles. Other popular SUVs are even more lethal during that period: four-door Blazers, at 72 deaths

per million; the shorter-wheel-base two-door Blazer had an appalling 153 deaths per million; the Explorer, 76; Jeep Grand Cherokee had 52; and of course, in fairness, Toyota 4Runner, a large SUV, 126 deaths per million.

The notion that SUVs are automatically safer—we know the problems with rollovers, and we know that some of the difficulties with even the larger cars have to be reconciled. To assume that a larger, bigger SUV is always safer is not proven by these numbers, these statistics.

Let me also say what I propose would apply to Toyota and Honda SUVs sold in America as well. I honestly believe we should hold those to the same standard.

Mr. BIDEN. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. BIDEN. I have trouble explaining to my Chrysler workers when I want to raise the CAFE standard. They are not happy with me. I voted against it last time.

My friend from Michigan, if you can drive a Toyota into that Chrysler parking lot that gets less mileage than the vehicle being made in that Chrysler plant under the way CAFE standards are set up, you would be able to do that because the fleet average means you can drive in a big old Toyota getting 16 miles to the gallon or 17 miles to the gallon, but you could not drive the Dodge Durango that gets 18 miles a gallon—1 mile better—because the fleet average causes the Durango to be out of the ballpark.

That is my problem with all of this. That is why I cannot vote for what the Senator is suggesting even though I agree with the thrust of what he is saying. That is why I have difficulty with my friend from Michigan. He solves that problem in a sense, but he does not solve the larger problem of kicking the requirements higher.

I thank the Senator.

Mr. DURBIN. How much time remains?

The PRESIDING OFFICER. The Senator from Illinois has 8 minutes 40 seconds.

Mr. DURBIN. I also say about a Bond-Levin amendment that will be offered that it does not set goals for increased fuel economy for oil savings. That is unfortunate. It gives the decisionmaking over to the National Highway Traffic Safety Administration. They do not have a very good track record in holding the automobile maker selling in America to increased fuel efficiency.

I like dual E85 vehicles. I think those are sensible. Sadly, at this point, there are very few places to turn to to buy the fuel.

My colleague, Senator OBAMA, was talking about a tax treatment that would give incentives to set up these E85 stations. It was, unfortunately, not included in this bill. I think it should have been. Right now, there are precious few to turn to. Dual-fuel use is part of the Bond-Levin amendment, but it is a very rare occurrence where you can actually find the E85 fuel to put in your car. Plus, we find when they are dual-fuel use vehicles, which the Senators rely on a great deal for their savings, fewer than 1 percent of the people actually use the better fuel. They stick to the less fuel efficient source of energy for their car. They do not use the E85 fuel.

Sadly, the Bond-Levin amendment will increase our 2015 oil consumption by almost as much as we currently import from Saudi Arabia. So no more fuel efficiency, a response to the problem which is not realistic and, unfortunately, even more dependent on foreign oil in the future.

Mr. President, I reserve the remainder of my time.

Mr. LEVIN. Mr. President, I wonder if the Senator from Missouri would yield 30 additional seconds to me to put a statement in the RECORD.

Mr. BOND. I so yield, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this is a National Academy of Sciences finding about the CAFE system that the Senator from Delaware made reference to. It states:

> . . . one concept of equity among manufacturers requires equal treatment of equivalent vehicles made by different manufacturers'' that is, ''equal treatment of equivalent vehicles made by different manufacturers.''

The NAS continues, ''The current CAFE standards fail this test.''

That is what the Senator from Delaware was referring to.

Mr. President, I ask unanimous consent that the full paragraphs from the National Academy of Sciences study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ACADEMY OF SCIENCES REPORT ON CAFE [2002]

CAFE DISCRIMINATES AGAINST THE DOMESTIC AUTO INDUSTRY

''. . . one concept of equity among manufacturers requires equal treatment of equivalent vehicles made by different manufacturers. The current CAFE standards fail this test. If one manufacturer was positioned in the market selling many large passenger cars and thereby was just meeting the CAFE standard, adding a 22-mpg car (below the 27.5-mpg standard) would result in a financial penalty or would require significant improvements in fuel economy for the remainder of the passenger cars. But, if another manufacturer was selling many small cars and was significantly exceeding the CAFE standard, adding a 22-mpg vehicle would have no negative consequences.'' (page 102)

''A policy decision to simply increase the standard for light-duty trucks to the same level as for passenger cars would operate in this inequitable manner. Some manufacturers have concentrated their production in light-duty trucks while others have concentrated production in passenger cars. But since trucks tend to be heavier than cars and are more likely to have attributes, such as four-wheel drive, that reduce fuel economy, those manufacturers whose production was concentrated in light-duty trucks would be financially penalized relative to those manufactures whose production was concentrated in cars. Such a policy decision would impose unequal costs on otherwise similarly situated manufacturers.'' (page 102)

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague from Michigan.

I would say that, No. 1, NHTSA has said they will consider basing light-truck standards on vehicle weight or size, as the Senator from Delaware suggested. The Senator from Illinois was downplaying the CAFE increases by NHTSA, but he just talked about them. The difference between the 1.5-mile-per-gallon increase that NHTSA ordered for light trucks—and they did order it—and what he is proposing is that NHTSA's was based on science and technology.

With that, Mr. President, I yield 4 minutes to my friend from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I thank my friend for yielding me time.

Mr. TALENT. Mr. President, Missouri is an auto State. Each year the hard-working employees of six assembly plants produce well over 1 million cars and light trucks that are shipped around the country. In fact, we have 221,000 auto-related workers in Missouri. There are 6.6 million autoworkers around the country. I raise the question: What happens to our automobile economy, what happens to the workers, what happens to the people who buy them, what happens to the people on the highways if suddenly our auto manufacturers are forced to make unreasonable changes in fuel economy standard?

When enacted, CAFE established a 14.6-mpg level for combined car and light truck fuel economy. That level increased to 17.5-mpg in 1982 and to 20.7-mpg in 1996. Since the early 1970s, new vehicles have continued to become more fuel efficient. According to the EPA data, efficiency has increased steadily at nearly 2 percent per year on average from 1975 to 2001 for both cars and trucks. Fuel economy rates in cars have more than doubled in the past generation, from 14.2 miles per gallon in 1974 to more than 28.1 miles per gallon in 2000.

Today's light truck gets better mileage than the compact cars from the 1970s. This bipartisan approach, offered by Senator LEVIN and the Senior Senator from Missouri, KIT BOND, increases fuel economy. It does it in a way that also allows the domestic manufacturing industry in our U.S. economy to thrive as well. The two are not mutually exclusive. We can accomplish both goals. If we rush to legislate higher CAFE standards it will have a negative effect on the American economy and on manufacturing jobs in America. If we do it wrong, we will not even benefit the environment the way we should.

I drive a Ford, and I just toured the Ford Motor plant in Kansas City. I listened to the car manufacturers, the

working men and women in the unions who build the cars, and the other impacted groups, and the significantly higher CAFE standard creates a real possibility of costing thousands of Americans their jobs, including many of the 221,000 auto-related workers in Missouri. The Ford F150 pickup truck is made in Kansas City. They estimated that an increase in CAFE standards to the 34-mpg that others are suggesting would raise the price of the truck by $3,000. That is a lot of money to a farmer or a construction worker considering a purchase. Adding $3,000 or more to the sticker price of a new SUV or truck hurts sales and it kills jobs. This compromise offered by Senators BOND and LEVIN is a reasonable measure that gives our U.S. automakers equal footing with their foreign counterparts. The adverse effects of an increased fuel economy standard will have a negative effect on the relative competitiveness of U.S. manufacturers.

A higher fuel economy discriminates against the American auto industry. The American-manufactured vehicles, like those made in Missouri, are just as fuel efficient as the imports. However, they are put in a negative position, because of the CAFE structure—the fact that it looks at a fleetwide average rather than looking at class of vehicles compared to class of vehicles. Nothing is gained for the environment if an imported SUV is bought instead of an American-made SUV where the American SUV is at least as fuel efficient as the foreign SUV. Nothing is gained for the air, but a lot of American jobs are lost. This is the impact of a 36-mile-per-gallon combined car/truck standard on five manufacturers. Honda only has to increase theirs by 20 percent; Toyota, 36 percent; GM, 51 percent; Ford, 56 percent; DaimlerChrysler, 59 percent.

Instead of saying the same size vehicle will be subject to the same CAFE standard, the same mileage standard, it lumps together all vehicles of a manufacturer, and the results are, in my judgment, bizarre and costs huge numbers of American jobs without the benefit to the environment. While CAFE standards do not mandate that manufacturers make small cars, they have had a significant effect on the designs manufacturers adopt—generally, the weights of passenger vehicles have been falling. Producing smaller, lightweight vehicles that can perform satisfactorily using low-power, fuel-efficient engines is the most affordable way for automakers to meet the CAFE standards.

The only way for U.S. automakers to meet the unrealistic numbers that others are proposing is to cut back significantly on the manufacturing of the light trucks, minivans, and SUVs that the American consumers want, that the people of my State and the people of the other States want—to carry their children around safely and conveniently, to do their business.

Levin-Bond asks the Department of Transportation to consider rulemaking that would also consider the effect on U.S. employment, the effect on near-term expenditures that are required to meet increased fuel economy standards on the resources available to develop advanced technology. It puts in place a rational and science-based system of looking at many criteria which are relevant to the question of where the new standards for fuel economy ought to be instead of arbitrarily picking a number out of the air. CAFE should be addressed through a rational rulemaking process that is put in place by experts over a fixed period of time that then makes a decision on what the new standards should be. Politicians who don't fully understand the technologies involved should not arbitrarily set unattainable CAFE standards.

As we struggle to get our economy moving again, we ought to be developing proposals that will increase the number of jobs—not eliminate them. We are debating this obscure theory of CAFE where foreign manufacturers are relatively unconstrained by CAFE because of a fleet mix, not because they are more fuel efficient class by class. For those who say, too bad, we must force the U.S. Big Three to build more fuel-efficient cars and trucks, do you know that under CAFE it doesn't matter what the companies manufacture and build? It is calculated based on what the consumer buys.

Our auto manufacturers can produce vehicles that get 40 miles per gallon. Sure, they can. They can produce electric vehicles which even do better than that. The question is: Are there people who want to buy them? Light trucks today account for about 50 percent of GM sales, 60 percent of Ford sales, and 73 percent of DaimlerChrysler sales. There are over 50 of these high economy models in the showrooms across America today. But guess what. They represent less than 2 percent of total sales. Americans don't want them. You can lead a horse to water; you can't make him drink. You can lead the American consumer to a whole range of lightweight, automobiles, but you can't make them buy them.

Additionally, with the higher cost of new vehicles, farmers, construction workers and parents aren't going to afford the more expensive new light truck. More older, less efficient cars will stay on the road longer. How does that improve our air quality or reduce the need for imported oil?

Let's put this debate in perspective. Support the American autoworker, support the American economy, support the Levin-Bond amendment and oppose the unreasonable proposal from Senator DURBIN.

Mr. President, I sure agree with what the Senator from Delaware was saying, and the Senator from Michigan, so I do not have to repeat it all. I want to make what I think are four brief points.

Let me clarify, whether you meet CAFE standards does not depend on the cars you offer to sell. It depends on the cars that people actually buy. It is very important to remember that. That is the reason for the problem with the amendment of the Senator from Illinois that the Senator from Michigan and Senator BIDEN both mentioned.

The Japanese have been effective in capturing more of the small-car market. American manufacturers have been more effective in capturing the SUV and truck market. Now, the Senator from Illinois says we missed a bet by going after the truck and SUV market. Well, the Japanese don't think so. The Senator from Michigan made the point, they have been going like a house afire to try to capture precisely that market. And the amendment of the Senator from Illinois would make it much easier for them to do it.

The reason is, the trucks and the SUVs we sell now are general fleet. They tend to be big and, therefore, have somewhat lower mileage. So if the amendment of the Senator from Illinois were adopted, the Japanese manufacturers could continue to sell lower mileage bigger trucks and bigger SUVs and still comply with his standard under the CAFE laws. The result would be they would be able to capture the SUV and larger truck market.

His amendment would not cause people to buy fewer large SUVs and trucks. It would cause them to buy fewer American SUVs and American trucks. That is the point the Senator from Michigan and my friend from Missouri have made.

Now, the Senator from Illinois talks about monster SUVs. I have to comment, people do not buy SUVs or trucks because they have lower gas mileage. They buy them generally for reasons of safety or utility. We went through this in my family. We used to drive smaller cars. When we started having kids, my wife put her foot down and said: The car you have been driving would fold up like an accordion if you ever got in an accident. We have kids now. You have to get a bigger car. That is the first time we bought an SUV. That kind of decisionmaking goes on all over the United States.

Let me close by commenting on some of what the Senator from Illinois said about our auto manufacturers. He was criticizing decisions they made and mentioning they are having difficult economic times. It is true that our auto manufacturers are going through some troubled times. Is that a reason to heap a new burden on them? It is true they have not been as effective as any of us would have liked in capturing the small-car market. Is that a reason to take the larger truck market from them? It is true that America relies too much on overseas oil. Is that a reason to send our jobs overseas?

We have an alternative in front of us that is going to encourage greater fuel economy: higher mileage automobiles. It is working. It is rational and logical, as the Senator from Michigan has said, rather than arbitrary. It is the Bond-Levin amendment.

I urge the Senate to adopt that amendment and stay the course. It is working, and it will protect American jobs.

I thank the Senate, Mr. President. I yield whatever time I have.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my friend from Missouri.

Mr. President, I ask unanimous consent that the Senator from Missouri, Mr. TALENT, and the Senator from Kentucky, Mr. BUNNING, be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. President, as cochairman of the Senate Auto Caucus, I am pleased to join with my colleagues, Senator BOND and Senator LEVIN, as a cosponsor of this corporate average fuel economy standards amendment to the Energy bill. It is an important issue, and it impacts on the economy of our country, the environment, and the safety of the traveling public.

There is no doubt that each of us wants the automobile industry to make cars, trucks, SUVs, and minivans that are energy efficient. It is not only good for the environment, but it means more money in the pockets of the American consumers because they are going to spend less money at the gas pump.

However, I am deeply concerned that the artificial and arbitrarily chosen CAFE standard supported by some of my colleagues will have a devastating effect on jobs. Ohio is the No. 2 automotive manufacturing State in America, employing more than 630,000 people either directly or indirectly. I have heard from a number of these men and women whose livelihood depends on the auto industry and who are, frankly, very worried about their future.

There is genuine concern that a provision mandating an arbitrary standard could cause a serious disruption and shifting in the auto industry resulting in the loss of tens of thousands of jobs across the Nation.

Domestic automakers build the light trucks that consumers want. DaimlerChrysler's fleet of light trucks makes up more than 50 percent of their entire fleet. The company manufactures the Jeep Liberty and the Jeep Wrangler in Toledo, OH, and employs approximately 5,200 workers at this plant. If an arbitrary CAFE provision is mandated that targets light trucks, this plant could close because Chrysler would be forced to redistribute their manufacturing base to build more small, high-mileage cars.

The concern of auto workers was evident at the polls in Ohio last November. Voters rejected a candidate for President who had advocated an arbitrary standard that would have cost jobs and raised prices on the vehicles that consumers demand.

Another concern is that an arbitrary standard would have a harmful effect on public safety, as well as put a severe crimp in the manufacturing base of my State of Ohio which is already under duress because of high natural gas costs, litigation, health care costs, and competition from overseas.

In 2001, new vehicle sales of trucks, SUVs, and minivans outpaced the sale of automobiles for the first time in American history. This remarkable result can be attributed to a number of factors, but one reason that is often cited is the fact that these vehicles are seen as safer.

On the other hand, the Bond-Levin amendment is a rational proposal based on sound science that will keep workers both in Ohio and nationwide working, allowing these men and women to continue to take care of their families and educate their children while also encouraging greater fuel efficiency and safer vehicles.

This amendment calls for the Department of Transportation to increase fuel economy standards based on several factors including the following: technology feasibility; economic practicability; the need to conserve energy and protect the environment; the effect on motor vehicle safety; and the effect on U.S. employment.

I believe this is a much more responsible approach that will improve the fuel efficiency of our Nation's vehicles while also protecting public safety and our Nation's economic security.

This amendment also requires that the Department of Transportation complete the rulemaking process that would increase fuel efficiency standards for 2008 model vehicles. If the administration doesn't act within the required timeframe, Congress will act, under expedited procedures, to pass legislation mandating an increase in fuel economy standards consistent with the same criteria that the administration must consider.

This administration is already taking steps to improve fuel efficiency. As you know, in 2003, the National Highway Traffic Safety Administration enacted the largest fuel efficiency increase for light trucks in over 20 years. By 2007, fuel efficiency requirements will increase to 22.2 miles per gallon from the 20.7 miles per gallon that had been in place through the 2004 model year.

The amendment will also increase Federal research and development for hybrid electric vehicles and clean diesel vehicles.

Additionally, the amendment will increase the market for alternative-powered and hybrid vehicles by mandating that the Federal Government, where feasible, purchase alternative powered and hybrid vehicles.

I believe that this guaranteed market will encourage the auto industry to continue to increase their investment in research and development with an eye towards making alternative-fuel and hybrid vehicles more affordable, available, and commercially appealing to the average consumer.

As a matter of fact, I have ridden in a hybrid manufactured by DaimlerChrysler and I have driven a fuel-cell automobile manufactured by General Motors. I firmly believe that my children and grandchildren will one day be driving automobiles that run on hydrogen and give off only water. However, it will take time for the technology that makes these vehicles possible to be cost-effective and for these vehicles to be marketable.

Until then, I believe that consumer demand will continue to drive the market place. While truck, SUV, and minivan demand is not expected to decrease any time soon, automakers will meet this demand.

In the meantime, many consumers are making the decision to move from light trucks to smaller vehicles as their needs change. In light of today's gas prices, consumers will demand more fuel efficient-vehicles that do not jeopardize their personal and family safety.

For example, my daughter-in-law currently drives a full-size van. As the mother of four young children, she has needed the space and flexibility a van provides in order to accommodate the necessary safety seats for my grandchildren. Now that her children are getting older and are able to travel without car safety seats, she is looking into purchasing a station wagon. Such a vehicle will meet her needs while saving fuel over the long term.

As consumer demands change because of trends and fuel prices, automakers will change to meet that demand. These changes in auto manufacturing should be driven by consumer choice, not by a government-mandated arbitrary standard.

The Bond-Levin amendment is supported by the AFL–CIO, the UAW, the U.S. Chamber of Commerce, the automotive industry, the American Farm Bureau Federation and a number of other organizations.

I urge my colleagues to support the Bond-Levin amendment. It meets our environmental, safety and economic needs in a balanced and responsible way, contributing to the continued and needed harmonization of our energy and environmental policies.

Mr. MCCAIN. Mr. President, I support increasing corporate average fuel economy standards. In fact, I have supported strengthening CAFE standards for several years, and in 2002 I introduced legislation that would have significantly improved such standards. My strong support for raising CAFE standards makes it all the more difficult for me to oppose the amendment offered by Senator DURBIN this evening.

When this body considers legislation, we must always be mindful of distinguishing between the advisability and the feasibility of the proposal before us. I strongly support the Durbin amendment's goals of lowering our reliance on foreign oil and of reducing

the emission of greenhouse gases. I strongly support those goals. But this amendment, sadly, does not appear to be achievable without significantly and detrimentally affecting our economy.

Mr. President, there are realistic options available to us. For example, I support legislation that would require passenger cars and light trucks to meet the same average fuel economy standard of 27.5 miles within a reasonable amount of time. I will continue to work towards such achievable and beneficial improvements to our Nation's average fuel economy.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Illinois has 6 minutes 53 seconds. The Senator from Missouri has 1 minute 50 seconds.

The Senator from Illinois.

Mr. DURBIN. Thank you very much, Mr. President.

Take a look at this chart and see what is happening in America. As the price of gasoline goes up, this veracious appetite for SUVs is going down. SUV sales in America are declining, with a 19-percent decrease from the first quarter of 2004 to 2005.

Detroit, are you listening? Are you listening to consumers across America? They do not like to take expensive gasoline and put it into an SUV that gets terrible mileage. They are telling you what the future is going to look like when we have $50- and $60- and $70- and $80- and $90-a-barrel oil coming into the United States.

The consumers are speaking already. Sadly, their response is not being picked up. Sadly, their response is not being picked up by some of the major manufacturers of U.S. automobiles.

Take a look at this chart. The Chevy Suburban: I know the Chevy Suburban. The car I am provided in the Senate is a Chevy Suburban. It is a great car but a big, heavy car. It is picked for that reason for security purposes. Whatever. But take a look at the comparable sales: the Toyota Prius, 34,225 in U.S. sales so far in 2005; 35,756 Ford Expeditions; 24,000 Chevy Suburbans.

The point I am making is the American consumer's appetite is growing for a car which Detroit is not making. We are, sadly, 2 years behind. These Toyota Priuses, which one of our colleagues in the Senate drives, happen to be cars for which you can get 50 miles a gallon and more. People want them, but they cannot buy an American version. What is Detroit waiting for?

Look where we are as a nation. When we took the leadership—Senator BOND may call this Soviet-style leadership, command-and-control leadership—in 1975 and said we were going to have more fuel-efficient vehicles, look at that increase in average miles per gallon in a 10-year period of time—dramatic. Look what has happened since then—flat-lining.

As we have increased our dependence on foreign oil, our cars and trucks are less and less fuel efficient. The end is near, my friends. It is going to reach us sooner rather than later if we do not accept the reality that we need to say, if America is going to be truly less dependent on foreign oil, we have to set standards that move us toward energy conservation and energy efficiency. The first place to start is in the cars and trucks we drive.

I think if a President, if a Congress, stood up and said: ''America, we are in this together; we are challenging Detroit to come out with a fuel-efficient car; we need one that is going to make America less dependent on foreign oil so we do not get involved in wars, so we do not have to walk hand-in-hand with Saudi sheiks around America; we want to be less dependent and will you join us, America, the businesses and families of this country would stand up and say: We are ready.

I wish to say, in response to the Senator from Ohio, the Chair of the Senate Auto Caucus, Mr. VOINOVICH, I could not agree with him more. This is a hugely important industry. It is in trouble because the market share for American automobile manufacturers continues to decline. They are building cars that Americans are not buying. Americans are looking to Japanese and German and other cars instead.

There is a message there. We have to revitalize this industry by thinking forward instead of thinking backward. And thinking forward says, the price of gas is going up. You better have a more fuel-efficient vehicle. You can reach it if you use innovation and creativity. Unfortunately, that is not occurring today.

Let me close with a comment I opened with from BusinessWeek magazine:

> As Congress puts the final touches on a massive new energy bill, lawmakers are about to blow it. That's because the bill, which they hope to pass by the end of July, almost certainly won't include the one policy initiative that could seriously reduce American's dependence on foreign oil: a government-mandated increase in the average fuel economy of new cars, SUVs, light trucks, and vans.

The Bond-Levin amendment does not do that. It does not increase fuel efficiency. It does not reduce dependence on foreign oil. The amendment which I offer does, and I hope my colleagues will support it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, I think there is a clear difference. My colleague from Illinois has a political idea of a fuel standard and says that will increase efficiency. The difference is that the Bond-Levin approach relies on what is working and that is having sound science, administered by the National Highway Traffic Safety Administration, pushing the manufacturers of cars to improve mileage as quickly as it can be improved, using science and technology, rather than forcing them to go to small automobiles which, according to NHTSA, have caused between 1,300 and 2,600 more vehicle deaths a year as a result of the lower weight cars needed to meet arbitrary fuel standards previously imposed.

I urge my colleagues to oppose the Durbin amendment but to support the Bond-Levin amendment to ensure that we maintain safe, efficient automobiles, getting better fuel economy, and providing choices for our families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, does the Senator from Missouri have time remaining?

The PRESIDING OFFICER. The Senator has 37 seconds.

Does the Senator wish to reserve that time or yield it back?

Mr. BOND. I reserve my time.

Dr. DURBIN. In the interest of picking up a few more votes, I yield back all my time.

The PRESIDING OFFICER. The Senator from Illinois yields back all his time.

The Senator from Missouri.

Mr. BOND. I yield back all my time as well.

The PRESIDING OFFICER. The Senator yields back his time. All time has expired.

The junior Senator from Missouri.

Mr. TALENT. Mr. President, I have talked to both sides to get permission for a unanimous consent request allowing me to offer an amendment that is acceptable to both sides on a voice vote.

AMENDMENT NO. 819

So I ask unanimous consent to be permitted to offer amendment No. 819 and proceed to a vote right after I explain it.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, some of us have to catch a flight. I was hoping we would get the vote off here.

Mr. CRAIG. Let me work this through. This will take a minute or 2 for the Senator from Missouri. It has been agreed to. It will be a voice vote, and then we will move immediately to the votes.

Mrs. BOXER. I object if it is more than a minute. That is how close it is. I can give him a minute.

Mr. TALENT. Thirty seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Missouri [Mr. TALENT], for himself, Mr. JOHNSON, Mr. BOND, and Mr. DORGAN, proposes an amendment numbered 819.

The amendment is as follows:

> (Purpose: To increase the allowable credit for fuel use under the alternatively fueled vehicle purchase requirement)
>
> On page 420, strike lines 5 through 16 and insert the following:
>
> **SEC. 702. FUEL USE CREDITS.**
>
> (a) IN GENERAL.—Section 312 of the Energy Policy Act of 1992 (42 U.S.C. 13220) is amended to read as follows:

"SEC. 312. FUEL USE CREDITS.

''(a) DEFINITIONS.—In this section:

''(1) BIODIESEL.—The term 'biodiesel' means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

''(2) QUALIFYING VOLUME.—The term 'qualifying volume' means—

''(A) in the case of biodiesel, when used as a component of fuel containing at least 20 percent biodiesel by volume—

''(i) 450 gallons; or

''(ii) if the Secretary determines by rule that the average annual alternative fuel use in light duty vehicles by fleets and covered persons exceeds 450 gallons or gallon equivalents, the amount of the average annual alternative fuel use; and

''(B) in the case of an alternative fuel, the amount of the fuel determined by the Secretary to have an equivalent energy content to the amount of biodiesel defined as a qualifying volume under subparagraph (A).

''(b) ALLOCATION.—

''(1) IN GENERAL.—The Secretary shall allocate 1 credit under this section to a fleet or covered person for each qualifying volume of alternative fuel or biodiesel purchased for use in a vehicle operated by the fleet.

''(2) LIMITATION.—The Secretary may not allocate a credit under this section for the purchase of an alternative fuel or biodiesel that is required by Federal or State law.

''(3) DOCUMENTATION.—A fleet or covered person seeking a credit under paragraph (1) shall provide written documentation to the Secretary supporting the allocation of the credit to the fleet or covered person.

''(c) USE.—At the request of a fleet or covered person allocated a credit under subsection (b), the Secretary shall, for the year in which the purchase of a qualifying volume is made, consider the purchase to be the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title, title IV, or title V.

''(d) TREATMENT.—A credit provided to a fleet or covered person under this section shall be considered to be a credit under section 508.

''(e) ISSUANCE OF RULE.—Not later than 180 days after the date of enactment of the Energy Policy Act of 2005, the Secretary shall issue a rule establishing procedures for the implementation of this section.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy Act of 1992 is amended by striking the item relating to section 312 and inserting the following:

''Sec. 312. Fuel use credits.''.

Mr. TALENT. Mr. President, this is an amendment that has been accepted by unanimous consent and voice vote by the Senate in the past. It would allow municipalities to help meet their EPAct requirement by using biodiesel. I am offering it on behalf of Senators JOHNSON, BOND, DORGAN, and myself.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 819.

The amendment (No. 819) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 925

The PRESIDING OFFICER. The question is on agreeing to amendment No. 925 offered by the Senators BOND and LEVIN.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Sentors are necessarily absent: the Senator from New Mexico (Mr. DOMENICI), and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. DODD), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 31, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—64

Alexander	DeMint	Martinez
Allard	DeWine	McConnell
Allen	Dole	Mikulski
Baucus	Dorgan	Murkowski
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Feingold	Roberts
Brownback	Frist	Salazar
Bunning	Graham	Santorum
Burns	Grassley	Sessions
Burr	Hagel	Shelby
Byrd	Hatch	Smith
Carper	Hutchison	Specter
Chambliss	Inhofe	Stabenow
Coburn	Isakson	Stevens
Cochran	Johnson	Talent
Coleman	Kohl	Thune
Conrad	Kyl	Vitter
Cornyn	Landrieu	Voinovich
Craig	Levin	Warner
Crapo	Lincoln	
Dayton	Lugar	

NAYS—31

Akaka	Harkin	Reed
Biden	Jeffords	Reid
Boxer	Kennedy	Rockefeller
Cantwell	Kerry	Sarbanes
Chafee	Lautenberg	Schumer
Clinton	Leahy	Snowe
Collins	Lieberman	Sununu
Corzine	McCain	Thomas
Durbin	Murray	Wyden
Feinstein	Nelson (FL)	
Gregg	Obama	

NOT VOTING—5

Bingaman	Domenici	Lott
Dodd	Inouye	

The amendment (No. 925) was agreed to.

Mr. CRAIG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, for the information of Senators, in all likelihood the next vote will be the last vote tonight. We cannot say with certainty, but in all likelihood this is the last vote. The plan is to have final passage on the Energy bill at 9:45 on Tuesday morning. We will complete the bill tonight. We still have the managers' package. That is why I cannot say absolutely no votes. But there is a 99-percent chance that the next vote will be the last vote.

We will be working on the Interior bill on Friday and Monday. We will be stacking the votes on Interior, hopefully, for Tuesday and complete passage of the Interior bill.

I yield the floor.

AMENDMENT NO. 902

The PRESIDING OFFICER. Under the previous order, the Durbin amendment is next for consideration.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Senators have yielded back their time. The question is on agreeing to amendment No. 902. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from New Mexico (Mr. DOMENICI), and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 67, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—28

Akaka	Gregg	Obama
Cantwell	Harkin	Reed
Carper	Jeffords	Reid
Chafee	Kennedy	Rockefeller
Collins	Lautenberg	Sarbanes
Corzine	Leahy	Schumer
Dayton	Lieberman	Snowe
Dodd	Lugar	Wyden
Durbin	Murray	
Feinstein	Nelson (FL)	

NAYS—67

Alexander	DeWine	McConnell
Allard	Dole	Mikulski
Allen	Dorgan	Murkowski
Baucus	Ensign	Nelson (NE)
Bayh	Enzi	Pryor
Bennett	Feingold	Roberts
Biden	Frist	Salazar
Bond	Graham	Santorum
Brownback	Grassley	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith
Burr	Hutchison	Specter
Byrd	Inhofe	Stabenow
Chambliss	Isakson	Stevens
Clinton	Johnson	Sununu
Coburn	Kerry	Talent
Cochran	Kohl	Thomas
Coleman	Kyl	Thune
Conrad	Landrieu	Vitter
Cornyn	Levin	Voinovich
Craig	Lincoln	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—5

Bingaman	Domenici	Lott
Boxer	Inouye	

The amendment (No. 902) was rejected.

Mr. CRAIG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, before I move to a couple of other items to complete our work this evening, I will yield the floor to the Senator from Georgia for a brief statement.

The PRESIDING OFFICER. The Senator from Georgia.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENTS NOS. 811; 832, AS MODIFIED; 871, AS MODIFIED; 886, AS MODIFIED; 899, AS MODIFIED; 808; 825; 940, AS MODIFIED; 1005; 1006; 1007; 1008; 851, AS MODIFIED; 892, AS MODIFIED; 903, AS MODIFIED; 919, AS MODIFIED; 834

Mr. CRAIG. Mr. President, we have a series of managers' amendments that have been cleared on both sides. Therefore, I now ask unanimous consent that the series of amendments at the desk be considered and agreed upon en bloc and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 811

(The amendment is printed in the RECORD of June 21, 2005, under ''Text of Amendments.'')

AMENDMENT NO. 832, AS MODIFIED

On page 724, line 12, insert before ''shall enter'' the following: '', in consultation with the Administrator of the Environmental Protection Agency,''.

On page 726, line 5, insert ''and the Administrator of the Environmental Protection Agency'' after ''Interior''.

On page 726, line 10, insert before ''shall report'' the following: ''and the Administrator of the Environmental Protection Agency, after consulting with states,''.

On page 726, line 14, strike ''Secretary's agreement or disagreement'' and insert ''agreement or disagreement of the Secretary of the Interior and the Administrator of the Environmental Protection Agency''.

AMENDMENT NO. 871, AS MODIFIED

(Purpose: To provide whistleblower protection for contract and agency employees at the Department of Energy)

At the appropriate place, insert the following:

''SECTION. WHISTLEBLOWER PROTECTION FOR EMPLOYEES OF THE DEPARTMENT OF ENERGY.

(a) DEFINITION OF EMPLOYER.—Section 211(a)(2) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(2)) is amended—

(1) in subparagraph (C), by striking 'and' at the end;

(2) in subparagraph (D), by striking 'that is indemnified' and all that follows through '12344.'; and

(3) by adding at the end the following:

'(E) the Department Of Energy.'.

(b) DE NOVO JUDICIAL DETERMINATION.—Section 211(b) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(b)) is amended by adding at the end the following:

'(4) DE NOVO JUDICIAL DETERMINATION.—If the Secretary does not issue a final decision within 180 days after the filing of a complaint under paragraph (1) and the Secretary does not show that the delay is caused by the bad faith of the claimant, the claimant may bring a civil action in United States district court for a determination of the claim by the court de novo.'.

AMENDMENT NO. 886, AS MODIFIED

(Purpose: To include waste-derived ethanol and biodiesel in a definition of biodiesel)

On page 159, after line 23, add the following:

SEC. 211. WASTE-DERIVED ETHANOL AND BIODIESEL.

Section 312(f)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)(1)) is amended—

(1) by striking '''biodiesel' means'' and inserting the following: '''biodiesel'—

''(A) means''; and

(2) in subparagraph (A) (as designated by paragraph (1)) by striking ''and'' at the end and inserting the following:

''(B) includes biodiesel derived from—

''(i) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

''(ii) municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater; and''.

AMENDMENT NO. 899, AS MODIFIED

(Purpose: To establish procedures for the reinstatement of leases terminated due to unforeseeable circumstances)

On page 296, after line 25, add the following:

SEC. 34___. REINSTATEMENT OF LEASES.

Notwithstanding section 31(d)(2)(B) of the Mineral Leasing Act (30 U.S.C. 188(d)(2)(B)), the Secretary may reinstate any oil and gas lease issued under that Act that was terminated for failure of a lessee to pay the full amount of rental on or before the anniversary date of the lease, during the period beginning on September 1, 2001, and ending on June 30, 2004, if, (1) not later than 120 days after the date of enactment of this Act, the lessee—

(A) files a petition for reinstatement of the lease;

(B) complies with the conditions of section 31(e) of the Mineral Leasing Act (30 U.S.C. 188(e)); and

(C) certifies that the lessee did not receive a notice of termination by the date that was 13 months before the date of termination; and (2) the land is available for leasing.

AMENDMENT NO. 808

(Purpose: To establish a program to develop Fischer-Tropsch transportation fuels from Illinois basin coal)

On page 346, between lines 9 and 10, insert the following:

SEC. 4___. DEPARTMENT OF ENERGY TRANSPORTATION FUELS FROM ILLINOIS BASIN COAL.

(a) IN GENERAL.—The Secretary shall carry out a program to evaluate the commercial and technical viability of advanced technologies for the production of Fischer-Tropsch transportation fuels, and other transportation fuels, manufactured from Illinois basin coal, including the capital modification of existing facilities and the construction of testing facilities under subsection (b).

(b) FACILITIES.—For the purpose of evaluating the commercial and technical viability of different processes for producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal, the Secretary shall support the use and capital modification of existing facilities and the construction of new facilities at—

(1) Southern Illinois University Coal Research Center;

(2) University of Kentucky Center for Applied Energy Research; and

(3) Energy Center at Purdue University.

(c) GASIFICATION PRODUCTS TEST CENTER.—In conjunction with the activities described in subsections (a) and (b), the Secretary shall construct a test center to evaluate and confirm liquid and gas products from syngas catalysis in order that the system has an output of at least 500 gallons of Fischer-Tropsch transportation fuel per day in a 24-hour operation.

(d) MILESTONES.—

(1) SELECTION OF PROCESSES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall select processes for evaluating the commercial and technical viability of different processes of producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal.

(2) AGREEMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall offer to enter into agreements—

(A) to carry out the activities described in this section, at the facilities described in subsection (b); and

(B) for the capital modifications or construction of the facilities at the locations described in subsection (b).

(3) EVALUATIONS.—Not later than 3 years after the date of enactment of the Act, the Secretary shall begin, at the facilities described in subsection (b), evaluation of the technical and commercial viability of different processes of producing Fischer-Tropsch transportation fuels, and other transportation fuels, from Illinois basin coal.

(4) CONSTRUCTION OF FACILITIES.—

(A) IN GENERAL.—The Secretary shall construct the facilities described in subsection (b) at the lowest cost practicable.

(B) GRANTS OR AGREEMENTS.—The Secretary may make grants or enter into agreements or contracts with the institutions of higher education described in subsection (b).

(e) COST SHARING.—The cost of making grants under this section shall be shared in accordance with section 1002.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $85,000,000 for the period of fiscal years 2006 through 2010.

AMENDMENT NO. 825

(Purpose: To establish a 4-year pilot program to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, gasoline, or kerosene, and for other purposes)

On page 208, after line 24, insert the following:

SEC. 303. SMALL BUSINESS AND AGRICULTURAL PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) SMALL BUSINESS PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

''(4)(A) In this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month'; and

''(iii) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

''(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

''(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

''(E) For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting '', significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene'' after ''civil disorders''; and

(B) by inserting ''other'' before ''economic''.

(b) AGRICULTURAL PRODUCER EMERGENCY LOANS.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking ''operations have'' and inserting ''operations (i) have''; and

(ii) by inserting before '': *Provided,*'' the following: '', or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary'';

(B) in the third sentence, by inserting before the period at the end the following: ''or by an energy emergency declared by the President or the Secretary''; and

(C) in the fourth sentence—

(i) by inserting ''or energy emergency'' after ''natural disaster'' each place that term appears; and

(ii) by inserting ''or declaration'' after ''emergency designation''.

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(c) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out this section and the amendments made by this section, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)(4)(A)(iii)(II)), as added by this section.

(d) REPORTS.—

(1) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (c)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this section, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(4) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(2) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (c)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(e) EFFECTIVE DATE.—

(1) SMALL BUSINESS.—The amendments made by subsection (a) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this section.

(2) AGRICULTURE.—The amendments made by subsection (b) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section.

AMENDMENT NO. 940, AS MODIFIED

An amendment intended to be proposed by Mr. INHOFE:

''(vi) Not later than July 1, 2007, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph), and as authorized under section 202(1) of the Clean Air Act. If the Administrator promulgates by such date, final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels that achieve and maintain greater overall reductions in emissions of air toxics from reformulated gasoline than the reductions that would be achieved under section 211(k)(1)(B) of the Clean Air Act as amended by this clause, then sections 211 (k)(1)(i) through 211(k)(l)(v) shall be null and void and regulations promulgated thereunder shall be rescinded and have further effect.

AMENDMENT NO. 1005

(Purpose: To make a technical correction)

At the end of subtitle H of title II, add the following:

SEC. 2___. ENERGY POLICY AND CONSERVATION TECHNICAL CORRECTION.

Section 609(c)(4) of the Public Utility Regulatory Policies Act of 1978 (as added by section 291) is amended by striking ''of 1954 (42 U.S.C. 6303)'' and inserting ''(42 U.S.C. 6303(d))''.

AMENDMENT NO. 1006

(Purpose: To require the Secretary to carry out a study and compile existing science to determine the risks or benefits presented by cumulative impacts of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the Gulf of Mexico using the open-rack vaporization system)

On page 755, after line 25, insert the following:

SEC. 13___. SCIENCE STUDY ON CUMULATIVE IMPACTS OF MULTIPLE OFFSHORE LIQUEFIED NATURAL GAS FACILITIES.

(a) IN GENERAL.—The Secretary (in consultation with the National Oceanic Atmospheric Administration, the Commandant of the Coast Guard, affected recreational and commercial fishing industries and affected energy and transportation stakeholders) shall carry out a study and compile existing science (including studies and data) to determine the risks or benefits presented by cumulative impacts of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the

Gulf of Mexico using the open-rack vaporization system.

(b) ACCURACY.—In carrying out subsection (a), the Secretary shall verify the accuracy of available science and develop a science-based evaluation of significant short-term and long-term cumulative impacts, both adverse and beneficial, of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the Gulf of Mexico using or proposing the open-rack vaporization system on the fisheries and marine populations in the vicinity of the facility.

AMENDMENT NO. 1007

(Purpose: To improve the clean coal power initiative)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 1008

(Purpose: To clarify provisions regarding relief for extraordinary violations)

On page 696, lines 24 and 25, strike ''unlawful on the grounds that it is unjust and unreasonable'' and insert ''not permitted under a rate schedule (or contract under such a schedule) or is otherwise unlawful on the grounds that the contract is unjust and unreasonable or contrary to the public interest''.

AMENDMENT NO. 851, AS MODIFIED

(Purpose: To require the Secretary to establish a Joint Flexible Fuel/Hybrid Vehicle Commercialization Initiative, and for other purposes)

On page 424, between lines 7 and 8, insert the following:

SEC. 706. JOINT FLEXIBLE FUEL/HYBRID VEHICLE COMMERCIALIZATION INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity means—

(A) a for-profit corporation;

(B) a nonprofit corporation; or

(C) an institution of higher education.

(2) PROGRAM.—The term ''program'' means the applied research program established under subsection (b).

(b) ESTABLISHMENT.—The Secretary shall establish an applied research program to improve technologies for the commercialization of—

(1) a combination hybrid/flexible fuel vehicle; or

(2) a plug-in hybrid/flexible fuel vehicle.

(c) GRANTS.—In carrying out the program, the Secretary shall provide grants that give preference to proposals that—

(1) achieve the greatest reduction in miles per gallon of petroleum fuel consumption;

(2) achieve not less than 250 miles per gallon of petroleum fuel consumption; and

(3) have the greatest potential of commercialization to the general public within 5 years.

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

(1) the hybrid/flexible fuel vehicle technologies to be demonstrated; and

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

(e) REPORT.—Not later than 260 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that—

(1) identifies the grant recipients;

(2) describes the technologies to be funded under the program;

(3) assesses the feasibility of the technologies described in paragraph (2) in meeting the goals described in subsection (c);

(4) identifies applications submitted for the program that were not funded; and

(5) makes recommendations for Federal legislation to achieve commercialization of the technology demonstrated.

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

(1) $3,000,000 for fiscal year 2005;

(2) $7,000,000 for fiscal year 2006;

(3) $10,000,000 for fiscal year 2007; and

(4) $20,000,000 for fiscal year 2008.

AMENDMENT NO. 892, AS MODIFIED

On page 342, strikelines 1 through 19 and insert the following:

SEC. 407. WESTERN INTEGRATED COAL GASIFICATION DEMONSTRATION PROJECT.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall carry out a project to demonstrate production of energy from coal mined in the western United States using integrated gasification combined cycle technology (referred to in this section as the ''demonstration project'').

(b) COMPONENTS.—The demonstration project—

(i) may include repowering of existing facilities;

(ii) shall be designed to demonstrate the ability to use coal with an energy content of not more than 9,000 Btu/lb.; and

(iii) shall be capable of removing and sequestering carbon dioxide emissions.

(c) ALL TYPES OF WESTERN COALS.—Notwithstanding the foregoing, and to the extent economically feasible, the demonstration project shall also be designed to demonstrate the ability to use a variety of types of coal (including subbituminous and bituminous coal with an energy content of up to 13,000 Btu/lb) mined in the western United States.

(d) LOCATION.—The demonstration project shall be located in a western State at an altitude of greater than 4,000 feet above sea level.

(e) COST SHARING.—The Federal share of the cost of the demonstration project shall be determined in accordance with section 1002.

(f) LOAN GUARANTEES.—Notwithstanding title XIV, the demonstration project shall not be eligible for Federal loan guarantees.

AMENDMENT NO. 903, AS MODIFIED

(Purpose: To provide that small businesses are eligible to participate in the Next Generation Lighting Initiative)

Beginning on page, 469, strike line 10 and all that follows through page 470, line 20, and insert the following:

(d) INDUSTRY ALLIANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms, including large and small businesses, that, as a group, are broadly representative of United States solid state lighting research, development, infrastructure, and manufacturing expertise as a whole.

(e) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out the research activities of the Initiative through competitively awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify solid-state lighting technology needs;

(B) an assessment of the progress of the research activities of the Initiative; and

(C) assistance in annually updating solid-state lighting technology roadmaps.

(3) AVAILABILITY TO PUBLIC.—The information and roadmaps under paragraph (2) shall be available to the public.

(f) DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out a development, demonstration, and commercial application program for the Initiative through competitively selected awards.

(2) PREFERENCE.—In making the awards, the Secretary may give preference to participants in the Industry Alliance.

AMENDMENT NO. 919, AS MODIFIED

(Purpose: To enhance the national security of the United States by providing for the research, development, demonstration, administrative support, and market mechanisms for widespread deployment and commercialization of biobased fuels and biobased products)

(The amendment is printed in the RECORD of June 22, 2005 under ''Text of Amendments.'')

AMENDMENT NO. 1009

(Purpose: To provide a Manager's amendment)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 834

(Purpose: To provide for understanding of and access to procurement opportunities for small businesses with regard to Energy Star technologies and products, and for other purposes)

On page 52, line 24, strike ''efficiency; and'' and all that follows through page 53, line 8 and insert the following: ''efficiency;

''(C) understanding and accessing Federal procurement opportunities with regard to Energy Star technologies and products; and

''(D) identifying financing options for energy efficiency upgrades.

''(2) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall make program information available to small business concerns directly through the district offices and resource partners of the Small Business Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives (SCORE), and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture.

''(3) The Secretary, on a cost shared basis in cooperation with the Administrator of the Environmental Protection Agency, shall provide to the Small Business Administration all advertising, marketing, and other written materials necessary for the dissemination of information under paragraph (2).

''(4) There are authorized to be appropriated such sums as may be necessary to carry out this subsection, which shall remain available until expended.''.

AMENDMENT NO. 792 WITHDRAWN

Mr. CRAIG. I ask unanimous consent the Wyden amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUHCA REPEAL AND FERC MERGER AUTHORITY

Mr. SHELBY. Will the chairman yield for a question?

Mr. DOMENICI. I will be happy to yield.

Mr. SHELBY. I thank the chairman. As the chairman is aware, repeal of the Public Company Utility Holding Act of 1935 has been a priority of the Senate

Banking Committee for almost 25 years. As recently as 1997 and 1999, the Senate Banking Committee reported PUHCA repeal bills out of committee. As chairman of the Banking Committee, I have been pleased to work with the Chairman of the Energy Committee to ensure that PUHCA repeal was included as part of a comprehensive Energy bill.

I congratulate the chairman for reporting a bill out of Committee that includes PUHCA repeal. Nevertheless, I have concerns that the expanded merger review authority for FERC provided for in the Electricity title undermines the important policy goals behind PUHCA repeal. It is widely understood that PUHCA has served its purpose and is outdated. Now, PUHCA acts as a barrier to interstate capital flows, and other Federal laws make the PUHCA regime redundant.

The purpose of PUHCA repeal legislation is to eliminate these duplicative and unnecessary regulatory burdens. I am concerned that PUHCA repeal is undermined by legislation providing FERC with enhanced merger review authority over utility companies. I do not believe that Congress should repeal PUHCA, only to replace it with a burdensome regulatory framework administered by FERC. But I am afraid that may be exactly what we are doing in the Electricity title of this bill. I do not believe that Congress should require enhanced FERC merger authority as a prerequisite for PUHCA repeal.

I would ask the chairman to consult with me during conference to ensure against this result. As the Senate Banking Committee has done recently, I think it is important that we repeal PUHCA without creating additional regulatory burdens.

Mr. DOMENICI. I thank the Senator from Alabama for his remarks, and I share his concern regarding additional FERC merger review authority. I look forward to working with him in conference to ensure that PUHCA repeal is not accompanied by the grant of unnecessary merger review authority to FERC.

Mr. SHELBY. Thank you, Mr. chairman.

ELECTRIC TRANSMISSION PROPERTY DEPRECIATION

Mr. THOMAS. Mr. President, I would like to speak about an amendment I filed to the tax title of this bill on electric transmission property depreciation and engage Mr. GRASSLEY in a colloquy on this important issue if I may.

I did not push this issue to a vote during the committee markup, and I don't intend to do so on the floor either since I understand the provision is included in the House version of the bill and enjoys broad support in both the House and the Senate.

That said, I felt it was important to underscore the importance of energy infrastructure in the United States. It is completely irrelevant how much we have in the area of energy-producing resources if we can't transport that energy to where it's needed.

And electric transmission capacity is a prime example.

There are a number of barriers to building additional transmission capacity, among them being stringent regulations at the federal, state, and local levels; NIMBY-ism, in other words, those who want it, but not in their backyard; and high capital cost.

My amendment—which would have incorporated my bill, S. 815, into the tax title—addresses the substantial investment required to build additional capacity.

I thank Senators SNOWE, BINGAMAN, BUNNING, and SMITH for cosponsoring both the bill and the amendment.

The provision would shorten the depreciation life of electric transmission property from the current 20 years to 15 years, thereby substantially reducing the cost.

I understand Chairman GRASSLEY's hesitancy to include provisions in the Senate package that are already covered in the House bill. However, I am asking for the Chairman's commitment to ensure this important provision is included in a final energy package.

Mr. GRASSLEY. I agree that energy infrastructure, particularly electric transmission capacity, is a critical component of our domestic energy policy, and I am committed to helping you ensure that it is included in the final energy bill.

SEC. 261, HYDROELECTRIC RELICENSING REFORM

Ms. CANTWELL. Mr. President, Section 261 of the underlying bill contains provisions designed to reform the hydroelectric relicensing process. These provisions are the result of a hard-won compromise, and I thank the chairman and ranking member, along with Senators CRAIG, SMITH and FEINSTEIN for their leadership on this issue. In particular, these provisions significantly differ from previous House- and Senate-passed versions, as they will allow States, tribes and the public to propose alternative licensing conditions, and will further allow these entities to trigger the trial-type hearing process outlined in this section. I believe these public participation provisions are key improvements in this legislation. I would also like to more fully explore the process by which alternative conditions proposed by these stakeholders should be considered.

Before an alternative condition or prescription to a license may be approved, the Secretary must concur with the judgment of the license applicant that it will either cost significantly less to implement, or result in improved operation of the hydro project for electricity production—at the same time it provides for adequate protection of the resource—or in the case of fishway prescriptions, will be no less protective than the fishway initially proposed by the Secretary. This provision does not provide the license applicant a so-called veto power over proposed alternatives, because this judgment requires the Secretary's concurrence. In addition, it is the Senate's intent that these judgments be supported by substantial evidence as required by Section 313 of the Federal Power Act. I would like to ask the senior Senator from New Mexico the following question: If the Secretary determines that a license applicant's judgment has been based on inaccurate data and thus fails to meet the test of being supported by substantial evidence, can the Secretary withhold his or her concurrence?

Mr. DOMENICI. The Senator from Washington is correct in expressing our intent that the license applicant's judgment be supported by substantial evidence. It is not our intent to provide an incentive for applicants to provide poor data in order to prompt the rejection of a condition by other stakeholders. If the Secretary of a resource agency determines that the evidence provided by the license applicant is of insufficient quality and therefore does not meet the substantial evidence test, the Secretary should not concur with the license applicant's judgment in the matter.

Mr. SALAZAR. Mr. President, I am pleased join with the distinguished majority leader in support of H.R. 6.

I am particularly pleased with the bill's support for integrated coal gasification, IGCC, technology development and deployment into commercial use. Our Nation needs a comprehensive energy policy which promotes new, cleaner, and more advanced generation technologies.

I have been increasingly concerned with the challenges associated with developing IGCC technology for burning Western coal. Western coal is a valuable resource and crucial to our economy; however, both cost and technological difficulties have prevented development of IGCC in the West. That is why I support a provision for a Western IGCC Demonstration Project, Section 407. This project would allow for development of an IGCC technology designed to use Western coal and in a cost-effective manner.

I have also been increasingly concerned with the need to address climate change. The promise of IGCC technology's ability to reduce carbon dioxide emissions should be realized as soon as possible. That is why the Western IGCC demonstration project shall include a carbon technology component.

I wish to also take this opportunity to clarify an important point. There have been media reports expressing concern that the Western IGCC demonstration project is special legislation designed to benefit a single company building a new project in Wyoming. I can assure you that neither this provision, nor any other provision I have sponsored, is designed to benefit any specific project or any specific company. My sincere objective is simply to provide for the development of an IGCC

demonstration project in the West, using Western coal, regardless of who owns or develops it.

This provision is designed to provide incentives to an IGCC project using Western coal at high altitudes. I have heard from many stakeholders, the utility industry, environmental groups and energy consumers, regarding the potential environmental and energy benefits of this new technoloy. However, I have also heard that IGCC has been applied primarily in the East. It is not yet demonstrated to be viable and cost-effective in the high altitude West using the low-rank coals mined in Western States. This provision would allow the region to prove the viability of this important technology, assess carbon capture and sequestration opportunities, and, I hope, lead to its successful deployment in my region of the country.

The purpose of the Western coal demonstration project will be to show that coal gasification works for the different kinds of coals mined in the West. This includes the lower energy coals like those mined in Wyoming's Powder River Basin, and it includes higher energy coals like those found in Colorado. These coals vary by energy content, and in other ways such as moisture and sulfur content. My colleague from Wyoming and I want to ensure that the demonstration project will show the feasibility of gasification for the entire range of Western coals. In that way, hurdles to gasification can be removed and our Nation can move forward into a cleaner energy future, and one that recognizes the importance of our abundance of coal resources.

I want to close with a special tribute to Senator THOMAS for his diligence in this effort. We are both Western Senators and we share a concern that the Western United States should benefit from IGCC technology as much as the Eastern United States. I want to thank him for his initiative and support for this provision.

Mr. DOMENICI. I thank Senator SALAZAR for his support for H.R. 6 and share his interest in developing a sound and forward-looking energy policy for our Nation. I understand his concern that the West enjoy clean energy generation. I look forward to working with him to move H.R. 6 as quickly as possible.

INNOVATIVE TECHNOLOGIES

Mr. CONRAD. Mr. President, I would like to engage the distinguished manager of the bill in a brief colloquy. I understand that title XIV of the bill before us includes incentives for ''innovative technologies,'' including gasification projects that will allow us to use our vast domestic coal reserves to produce clean transportation fuels.

Mr. DOMENICI. The Senator is correct.

Mr. CONRAD. I thank the distinguished Senator from New Mexico for accepting clarifying language that will allow additional coal-to-fuel facilities to qualify for the loan guarantees included in title XIV of the Energy bill.

As a result of these changes, the incentives included in section 1403, which include loan guarantees, would apply to the development of projects that will utilize various gasification technologies to produce clean transportation fuels from any of our coal types, including bituminus, sub-bituminous, and lignite coals.

Mr. DOMENICI. The Senator is correct.

Mr. CONRAD. Again, I thank the distinguished chairman of the Energy Committee for working with me to ensure that facilities in my State will be eligible for these incentives for coal-to-liquids technologies. It is my hope that North Dakota's coal resources will play an important role in reducing our dependence on foreign oil, allowing us to create jobs here at home and clean our environment.

GOVERNOR'S AUTHORITY

Mr. VITTER. Mr. President, I would like to discuss a Governor's authority to approve the issuance of a license for an offshore LNG facility.

Mr. DOMENICI. I understand that intend to emphasize the current role of a Governor in the licensing of offshore LNG facilities pursuant to the Deepwater Port Act.

Mr. VITTER. The Senator is correct. In Louisiana, there has been a tremendous amount of controversy involving the licensing of offshore LNG terminals recently related mainly to a technology for reheating the gas called open rack vaporization. My amendment is designed to emphasize the Governor's current authority under the Deepwater Port Act. Under current law the Deepwater Port Act allows the Governor of a state to approve—or be presumed to approve—the issuance of a license for an offshore LNG facility.

Mr. DOMENICI. The Senator saying that a Governor currently has a clear opportunity to disapprove that a license be issued for any offshore LNG terminal?

Mr. VITTER. That is correct. So, no changes to existing law are necessary in order for the Governor to approve or disapprove issuance of a license for offshore LNG facilities.

Mr. DOMENICI. How many times has a Governor used this authority to approve or disapprove that a license be issued?

Mr. VITTER. A Governor has never attempted to use this authority. In the case of Louisiana, we have two licensed offshore LNG facilities and the Governor of Louisiana approved both of these facilities.

Louisiana has lost thousands of jobs due to the high costs of energy. The underlying bill does much to address this challenge and LNG will play an important role in addressing the increasing demand for natural gas.

I thank the Senator from New Mexico for clarifying the Governor's authority to approve or disapprove an offshore LNG facility.

BLM POLICY ON OIL AND GAS DEVELOPMENT IN POTASH RESERVE

Mr. CORNYN. Mr. Chairman, I rise to speak to an amendment I have filed to address the Bureau of Land Management's policy toward development of much needed oil and gas resources in the potash reserve. Notwithstanding the strong bipartisan consensus that the U.S. must expeditiously develop its readily available domestic oil and gas resources, for decades the Bureau of Land Management has restricted development of large volumes of oil and gas located in the Known Potash Leasing Area near Carlsbad, NM. BLM has authority to permit compatible oil and gas development in conjunction with potash mining in the area, but the agency has failed to do so due to asserted concerns with adverse impact on potash mining reserves and mine safety. For a long time the oil and gas industry has had the technical ability to drill in the potash region without creating any such threat to these potash mining interests. Concerns with BLM's administration of the Interior Secretary's October 1986 order have been raised with Congress over many years. However, given the Nation's continuing economic stress due to the oil and gas price and supply situation, and the policy imperative underlying the current energy bill debate to facilitate resource development on Federal lands where Federal rules or policies have unnecessarily inhibited such activity, the time has come to expeditiously resolve the administrative problems that have impeded reasonable oil and gas development in the Nation's potash reserve.

The BLM has denied approximately 190 applications for drilling permits and applicants strongly believe that their permits have been denied without appropriate consideration of their technical ability to develop oil and gas in the potash area while not creating any safety risks to potash mining or jeopardizing economically recoverable potash reserves.

My amendment would address this disadvantage for oil and gas drilling permits in the potash area, insuring that BLM allows drilling compatibly with the interest in maintaining potash reserves and mining in the area. Specifically, my amendment would still allow BLM to deny permits out of concern for adverse impact on potash mining, but only if the agency could specify with particularity the reasons why approval of the oil and gas permit would jeopardize potash mining safety or threaten recoverable potash reserves the value of which exceeded the value of the recoverable oil and gas associated with the relevant permit.

I understand that the chairman is well aware of the protracted history of this problem and has directed his staff to investigate the situation with BLM. Indeed, this week my staff attended a meeting with the BLM State director and the Chairman's staff to discuss this issue.

I certainly could offer the amendment for a vote at this time, but may I first inquire of the chairman whether he shares my concern with the BLM policy regarding the amount of oil and gas drilling being permitted in the potash region?

Mr. DOMENICI. This has been an evolving problem for some time now and I share the Senator's concern about whether the proper balance is being struck. Particularly in light of available technologies, I believe that there should be a way to produce oil and gas in the potash area without interfering with the recovery of the potash resource. My desire is to see both a vibrant potash industry and a vibrant oil and gas industry in the region, with both generating strong economic activity and employment.

Mr. CORNYN. I share the Chairman's views and would furthr inquire whether the chairman would be willing to work with me through the course of the conference on the energy bill to assure that this problem with BLM policy is properly addressed?

Mr. DOMENICI. I would tell the Senator that I would be pleased to give him that commitment.

Mr. CORNYN. I thank the Chairman.

Ms. CANTWELL. Mr. President, I wish to clarify for my colleagues the intent of section 1270 of the underlying Energy bill, which is a provision of extreme importance to my Washington State constituents. Ratepayers in my State were harmed by the Western energy crisis and the manipulation and fraudulent practices of Enron in wholesale electricity markets. A number of proceedings remain underway at the Federal Energy Regulatory Commission, which will determine the relief granted to consumers harmed by Enron's unlawful trading practices. An important issue that remains is whether utilities—such as Washington State's Snohomish County Public Utility District—should be forced to make termination payments to Enron, for power Enron never delivered in the midst of its scandalous collapse into bankruptcy.

The intent of section 1270 of the underlying bill and the technical correction we have adopted today is simply to affirm that the Federal Energy Regulatory Commission has exclusive jurisdiction under sections 205 and 206 of the Federal Power Act to determine whether these termination payments should be required. This provision expresses Congress's belief that the issues surrounding the potential requirement to make termination payments associated with wholesale power contracts are inseparable and inextricably linked to the commission's jurisdictional responsibilities.

Mr. CRAIG. I would like to inquire of the Senator from Washington, does section 1270 predetermine or in any way prejudice the manner in which FERC employs its jurisdiction in matters currently pending before the Commission?

Ms. CANTWELL. This provision in no way prejudices or predetermines FERC's decisions in those matters. During the Senate Energy Committee's work on this legislation, the supporters of this amendment and I initially considered offering an amendment that would have gone further to require a certain outcome, had the commission made certain findings. We chose not to pursue that amendment in response to concerns that were raised by colleagues. Section 1270 of this legislation is completely neutral regarding how the commission uses its authority under sections 205 and 206 of the Federal Power Act. As such, the provision does not in any way implicate what is known as the Mobile-Sierra doctrine, related to which standard FERC should apply to its review of jurisdictional wholesale power contracts.

Mr. CRAIG. How does the technical amendment adopted today further clarify the committee and Congress's intent in regard to section 1270 of the underlying legislation?

Ms. CANTWELL. The clarifications to section 1270 effectuated by the amendment accepted today are consistent with the committee's intent in adopting section 1270. In addition, they are completely consistent with Supreme Court precedent.

The committee sought assurances that section 1270 would not disturb underlying legal doctrines such as the Mobile-Sierra doctrine or the separation of powers principles. The amendment provides further clarity that section 1270 is not intended to otherwise disturb or modify the Mobile-Sierra doctrine by adding the phrase ''or contrary to the public interest.'' This phrase, when coupled with the standard recital of FERC's exclusive authority to determine whether a charge is just and reasonable, makes it clear that Congress is making no pronouncements regarding the manner in which FERC exercises its authority, but rather only that it is the appropriate forum to resolve these issues. Congress is giving no guidance to FERC on Mobile-Sierra one way or another through this provision.

The committee's overarching intent with respect to section 1270 was to ensure that the Federal Energy Regulatory Commission, and not the bankruptcy court involved in the Enron matter, decides all of the issues surrounding whether termination payments are lawful. The addition of the phrase ''rate schedules and contracts entered thereunder'' ensures that result.

In addition, this clarification is completely consistent with Supreme Court decisions permitting Congress to give a Federal agency the authority to resolve matters that are also normally addressed by our judicial branch of government. As the Supreme Court stated in a case entitled Commodity Futures Trading Commission v. Schor, 478 U.S. 833, 854 (1986),

> ''looking beyond form to the substance of what Congress has done'', we are persuaded that the congressional authorization of limited CFTC jurisdiction over a narrow class of common law claims as an incident to the CFTC's primary, and unchallenged, adjudicative function does not create a substantial threat to the separation of powers. Thomas v. Union Carbide Agricultural Products Co., 473 U.S. 568, 589 (1985).

Similarly, in this instance, the grant of authority to FERC to decide this matter is exceedingly narrow insofar as it relates solely to the legality of Enron collecting additional profits in the form of termination payments for power not delivered. Clearly, it is directly related to the agency's core function to ensure just and reasonable rates and guard against market manipulation. Moreover, these are public rights that are at stake in this dispute—the rights of electric ratepayers across the country to just and reasonable rates, rights that have existed under federal statute since 1935—and not mere private rights that should be resolved by a non-article III bankruptcy tribunal. Accordingly, the clarification provided by the amendment is completely consistent with Supreme Court precedent on the separation of powers principle.

Mr CARPER. Mr. President, I would like to take a moment to discuss with my friend, the Senator from Montana, a tax incentive which I believe is very important to our efforts to reduce fuel consumption in America. As you know, Senator BAUCUS is the ranking Democrat on the Senate Finance Committee and has a great understanding of our nation's tax policy, as well as a great institutional memory of tax legislation through the years. Senator BAUCUS and Senator GRASSLEY, the chairman of the Finance Committee, provide us with advice and counsel concerning tax policy and do a superb job in that role.

The specific incentive I would like to discuss with my friend from Montana is a provision included in the House energy bill to encourage the use of clean diesel passenger vehicles. It is called the ''diesel advanced lean-burn'' tax credit, and it would give consumers a credit on their income taxes when they purchase a clean diesel vehicle meeting stated fuel efficiency and environmental requirements. I am very supportive of this provision and want to encourage my colleagues to consider it when the Senate energy bill is conferenced with the House bill.

Why is that? Why do I think this provision is so important to our energy policy? For these reasons.

Diesel fuel contains more energy than gasoline, resulting in fuel economy increases of more than 40 percent compared to equivalent gas powered autos.

In fact, the Department of Energy estimates that 30 percent diesel penetration in the U.S. passenger vehicle market by 2020 would reduce net crude oil imports by 350,000 barrels per day.

So why aren't diesel vehicles more common on U.S. highways? Because until recently, they have been considered significantly dirtier in terms of air pollution. But the technology has

changed. Today, you will have a difficult time telling a new diesel car from its gasoline counterpart. New diesels are clean, quiet, and powerful. And they will get even cleaner with the introduction of low sulfur diesel fuel in the United States late next year as the result of new regulations.

Diesel engines have become increasingly popular in Europe over the last 20 years to the extent that market penetration now exceeds 40 percent. The situation is very different in the U.S. where diesel accounts for only 1 percent of light vehicles.

Clean diesel engines provide the perfect platform for the use of BioDiesel which comes from products grown here at home by American farmers. The more diesel engines on the road, the greater demand for this renewable product, and the less petroleum imports from overseas to meet our fuel needs.

We now have the opportunity to take advantage of the advances in clean diesel technology and to do what we can to get more of these fuel efficient vehicles on the road.

In the 2003 Energy Bill there was a tax incentive for ''new advanced lean burn motor vehicles,'' and the House recently passed an Energy Bill containing essentially the same provision.

So with that background, I wanted to ask my friend from Montana whether it is correct that high efficiency diesel vehicles would be considered ''lean burning'' vehicles?

Mr. BAUCUS. First, let me compliment my friend for his thoughtful discussion of this issue. The Senator from Delaware has obviously done a fair amount of homework on automotive technology, and I appreciate his insights on the benefits of clean diesel technology. Let me also congratulate the Senator on his work with Senator VOINOVICH and others on the recently introduced legislation to clean up heavy-duty diesel engines through retrofitting. We adopted that measure as an amendment to the energy bill earlier this week, and I think it is an important addition, so I thank the Senator for his work in that regard.

Now, to respond to the Senator's question concerning the diesel lean-burn provision from the House bill. Under the House provision, the tax credit would be available for the purchase of diesel vehicles meeting certain fuel efficiency and emissions standards. As long as a vehicle met those standards, it would be considered a ''lean burning'' vehicle and thereby merit the tax credit to the purchaser.

Mr. CARPER. The 2003 conference legislation contained incentives for lean-burn diesel vehicles. Is it fair to say that you are interested in this technology and in promoting cleaner diesel cars in the U.S.?

Mr. BAUCUS. I agree with my colleague that lean-burn diesel is promising technology. We did include the diesel lean-burn credit in the energy conference measure in 2003. As you know, in the Senate bill, we have included similar incentives for the purchase of other energy-efficient vehicles—hybrids, alternative fuel vehicles and fuel cell vehicles. We often start out with different positions than our House counterparts, and typically we merge together the best pieces of each bill in conference. I think any new technology warrants serious consideration if it can help make U.S. vehicles more fuel efficient and lessen our dependence on foreign oil.

Mr. CARPER. And is it your thought that the Senate conferees should carefully consider the tax incentives provided in the House version of the bill for these types of vehicles?

Mr. BAUCUS. I believe we should, and I believe we will. I am confident that the clean diesel credit will get very careful consideration by the Senate conferees.

Mr. CARPER. I thank my friend for taking a moment to discuss this matter with me, and I would encourage my colleagues who will be negotiating the tax provisions of the Energy Bill with the House of Representatives to do just that—to carefully consider the benefits that new clean diesel vehicles have to offer. I think the benefits are substantial, that diesel passenger vehicles are already very clean and will get even cleaner next year when low sulfur fuel becomes available, and that a transition toward this technology will pay big dividends for the country over the next few years. This is something we can do which will have an almost immediate positive effect, and I encourage my colleagues to consider this incentive positively.

Ms. CANTWELL. Mr. President, I rise to speak to a particular section of the comprehensive energy bill (S. 10) that we have been discussing for the past 2 weeks. My comments focus specifically on section 1270 of this legislation.

Section 1270 was an amendment I offered in the Energy & Natural Resources Committee mark-up of this legislation. It was accepted after considerable debate and discussion, on a bipartisan voice vote. Since then, I have continued to work with my colleagues on the Energy Committee, to further clarify and perfect this language. In fact, I was pleased to work with my colleague from Idaho, Senator CRAIG, on a technical amendment to this language, amendment No. 895, to refine it even further.

This provision, entitled ''Relief for Extraordinary Violations,'' is extremely important to the consumers of Washington State and ratepayers in other parts of the West, who bore tremendous costs as a result of Enron's schemes to manipulate our wholesale electricity markets. The principle at the heart of this provision is simple. The consumers of Washington State must not be forced to become the deep-pockets for Enron's bankruptcy. The same ratepayers who have paid so dearly for the Western energy crisis and Enron's schemes to manipulate markets should not be forced to pay even more—four years later—for power that Enron never even delivered.

I must thank my colleagues on the Energy Committee for their thoughtful consideration of this issue, particularly my colleagues from the Pacific Northwest and West as a whole who have seen first-hand the toll the crisis has taken on our economy and our constituents. I must also express my gratitude to the rest of the members of the committee, and to the chairman and ranking member for indulging what was a very thoughtful debate on this issue.

At the conclusion of the committee debate, this Senator was extremely satisfied; first, because of the very nature of the debate itself, in which—for almost an entire hour—a bipartisan group of Senators focused their valuable time and attention on a situation that is highly complicated, and likely unprecedented in the history and application of our Nation's energy laws. And second, because, at the end of the day, the committee struck a blow for justice and for Western consumers. It was an important statement. This is not the kind of country where we should reward Enron for its criminal conspiracy to commit fraud; a fraud of historic proportions perpetrated against the consumers of the West.

As my colleagues appreciate by now, my State was particularly ravaged by the western energy crisis of 2000–2001. One of my State's public utility districts, Public Utility District No. 1 of Snohomish County, had a long-term contract with Enron, to purchase power. The contract was terminated once Enron began its scandalous collapse into bankruptcy. Nonetheless, Enron has asserted before the bankruptcy court the right to collect all of the profits it would have made under the contract through so-called ''termination payments.'' Enron has made this claim even though Enron never delivered the power under the contract, even though Enron had obtained its authority to sell power fraudulently, and even though Enron was in gross violation of its legal authority to sell power at the very time the contract was entered into. This has been demonstrated by the criminal guilty pleas of the senior managers of Enron's Western power trading operation, in which it has been admitted that Enron was engaged in a massive criminal conspiracy to rig electric markets and rip off electric ratepayers. But it has been further illustrated by the now-infamous Enron tapes, in which Enron employees discuss many unsavory topics, including specifically how they were ''weaving lies together'' in their negotiations related to the contract with Snohomish.

I will tell my colleagues that there is no way under the sun that I believe my constituents owe Enron another penny. Not one single penny more. What this amendment does is ensure that, when the Federal Energy Regulatory Commission FERC comes to a conclusion

later this year about how to cleanup the Enron mess, that the bankruptcy court cannot overturn FERC's decision about whether these ''termination payments'' are just, reasonable or in the public interest. It says to FERC, ''do your job to protect consumers, and when you make a decision, that decision will stand.'' Interpreting our nation's energy consumer protection laws is not the job of a bankruptcy judge.

Now, this Senator has a very strong opinion on this matter in general. I believe there is no way no stretch of the imagination, or interpretation of law in which these termination payments could be deemed just, reasonable or in the public interest, knowing everything we know today about what Enron did to the consumers of my state. In fact, during committee debate on the underlying provision in this bill, some of my colleagues suggested that we should just out-right abrogate these contracts; simply declare them null and void on their face. But what we recognized, relying on the legal expertise of the committee staff, is that an act like that—as tempting as it may seem—would pose certain constitutional issues. We recognized that this provision section 1270—is the best way for Congress to express its will in this matter.

I have, as my colleagues know, had substantial differences with FERC over the course of the past few years. But I am glad to say today, after 4 long years, it appears that the commission may be on the right track on this issue. This March, FERC issued a ruling in which the commission definitely found that the termination payments at issue here ''are based on profits Enron projected to receive under its long-term wholesale power contracts executed during the period when Enron was in violation of conditions of its market-based rate authority.'' For the first time, FERC found that Enron was in violation of its market-based rate authority at the time victimized utilities such as Washington's Snohomish PUD inked power sales contract with the now-bankrupt energy giant. That FERC process is on-track to wrap-up this year; but so long as that process is ongoing, utilities like Snohomish have been operating under the threat that the bankruptcy court would swoop in and demand payments for Enron, regardless of the pattern of market manipulation and fraud. In a series of rulings, the bankruptcy court has expressed its will to do just that. What this provision does is ensure the bankruptcy court cannot force these utilities and their consumers to make termination payments that are unjust, unreasonable or contrary to the public interest.

Section 1270 states that notwithstanding any other provision of law, and specifically the bankruptcy code, FERC ''shall have exclusive jurisdiction'' to make these determinations. Many of my colleagues might naturally assume that this provision merely sets forth what is already the case. But as I stated earlier, that is not necessarily the case. This provision is necessary and critical because the Federal bankruptcy court has already concluded that it will not defer to FERC with respect to whether our constituents will be required to make termination payments. Not only has the bankruptcy court not deferred to FERC, it compounded the seriousness of the issue by enjoining FERC from proceeding with its own specific inquiry into whether Enron is owed the termination payments. It forced FERC to stop on a matter that FERC had said required its special expertise.

Imagine making it through the arduous and frustrating, years-long process of proving the case against Enron and proving it to FERC, only to find out at the end of the day that the bankruptcy court would intervene and force these termination payments anyway. It is this situation—a collision between FERC and the bankruputcy court that this legislation addresses. And what the Congress is saying with this amendment, as counsel for the Energy Committee stated during our extended discussion, is that ''the Commission, not the bankruptcy [court], is the proper forum in which these question be resolved.'' That is certainly my view, and the view of many of us who represent ratepayers harmed by Enron.

I do not assume this position in denigration of the responsibility of the bankruptcy court. The bankruptcy court has an important role to play in our law and our economic community. However, I do think it is fair to say that it is a forum in which it naturally looks first to maximizing the assets of the estate. In contrast, the Federal Energy Regulatory Commission's first obligation is to protect our nation's ratepayers. In this very unique context, in which a seller of electricity that has fraudulently and criminally manipulated the market in violation of the tariffs on file with the commission—and where the seller is now seeking to reap the profits from that activity in the form of termination payments for power never delivered—what we are saying here, unequivocally, is that FERC is the forum in which this should be resolved. FERC is the entity that is supposed to look after our nation's ratepayers, and should have make the decision about whether termination payments are permissible under the Federal Power Act..

Given the nuanced, legal nature of this provision, I can assure my colleagues that this ''rifle shot,'' as the ranking minority member of the committee called it, is narrowly drawn in order to minimize any unanticipated impacts. It is only applicable to contracts entered into during the electricity crisis with sellers of electricity that manipulated the market to such an extent that they brought about unjust and unreasonable rates. There is only one such seller, and that is Enron, and there are only a handful of terminated contracts with Enron that haven't been resolved as of this date.

As a result, the amendment does not tamper with or otherwise disturb longstanding legal precedents. It does not tamper with the Mobile-Sierra doctrine, nor does it disturb other recent federal court decisions regarding the relationship of the bankruptcy courts and FERC in the context of the rejection in bankruptcy of FERC approved power sales contracts. It is, as the ranking minority member of the committee observed, a ''clean shot'' that ''affirms that FERC is the entity with the authority to review whether termination payments associated with cancelled Enron power contracts are lawful under the Federal Power Act.''

The ultimate disposition of this issue is of paramount concern to my constituents. It will decide whether they will be on the hook for more than $120 million, an amount that means more than $400 in the pocket of each ratepayer in Snohomish County, WA. It is critical that this issue be decided by the forum with the specialized expertise in matters relating to the sale of electricity with a stated mission of protecting ratepayers, and that is the Federal Energy Regulatory Commission.

Let me conclude by saying that I am very pleased that this provision has broad bipartisan support as well as the support of the Edison Electric Institute, the National Rural Electric Cooperative Association and the American Public Power Association. I believe my colleague from Oregon, Senator SMITH, said it exactly right when this amendment was debated in committee, and I am extremely grateful for his support. He essentially said that no Senator Republican or Democrat should feel any limitation in ''lending their shoulder to this wheel,'' to get this situation fixed. Senator SMITH, Senator ALLEN, and Senator CRAIG all played important roles during the mark-up in allowing this measure to move forward.

And I would be remiss if I did not mention the invaluable assistance from the Senators from Nevada on this issue the minority leader, Senator REID, but also Senator ENSIGN. While Senator ENSIGN does not serve on the Energy Committee, he played a crucial role in ensuring that colleagues on both sides of the aisle understood the importance and reasonableness of this measure, and the importance of this provision to him and to the people of Nevada.

I thank my colleagues, look forward to the passage of this provision out of the Senate and to working together to ensure this critical measure is included in legislation that emerges from the Energy bill conference with the House of Representatives.

Mrs. MURRAY. Mr. President, I would like to express my support for a provision in this energy legislation that provides relief for Washington State ratepayers who suffered from Enron's market manipulation schemes.

All of us from the West Coast remember the energy crisis of 2001, when consumers and businesses were hit with massive increases in the cost of energy. Many in California faced shortages and brownouts. In Washington State, we felt the impact as well.

Washington State ratepayers have been continually penalized for failures in the energy market and failures by Federal energy regulators. While there were many causes for the energy crisis, the most disturbing is the fact that energy companies, such as Enron, manipulated the marketplace to take advantage of consumers.

As we saw throughout the crisis, the Federal Energy Regulatory Commission did not take aggressive action to protect consumers from market manipulation. In fact, over the last several years, as we in the West have sought to clean up the mess that these companies left in their wake, FERC has continued to drag its regulatory feet.

For more than 3 years, many of us in the Northwest delegation have been urging FERC to better protect consumers, and provide relief to ratepayers affected by market manipulation. At the height of the 2001 energy crisis, FERC was urging companies to enter into long-term contracts at highly-inflated rates, advice which many Northwest companies followed.

In 2003, FERC found that market manipulation occurred during the 2001 energy crisis, but indicated it would be unlikely that Washington State ratepayers would be reimbursed for the harm caused by the manipulation. When Western utilities—including Snohomish PUD, which was hit particularly hard—terminated their contracts with Enron, Enron turned around and sued them for ''termination payments.''

It was very disturbing for all of us to see FERC agree that there was manipulation, but leave Washington ratepayers holding the bag—with no relief—for the harm they experienced in 2001 and continue to experience today.

I am pleased that this energy legislation addresses this important issue by giving FERC exclusive jurisdiction to determine whether termination payments are required under certain power contracts are unjust and unreasonable.

This is wonderful news for Washington State ratepayers because of a March 2005 order, in which FERC found Enron in violation of its market-based authority at the time Snohomish PUD signed its power contract. This provision ensures Snohomish PUD's ratepayers will not be required to pay the now-bankrupt Enron for power the region did not receive.

Mr. President, I support this provision as it will protect Northwest ratepayers and give FERC more tools to better police the energy market.

Mr. ENSIGN. Mr. President, I rise to thank my colleagues for including a provision in this bill which give the people of Nevada a fair chance to keep their hard earned money away from the clutches of Enron.

Enron is still seeking to extract an additional $326 million in profits from my State's utilities for power that was never delivered. Enron, after all of its market manipulation and financial fraud, is still trying to profit from its wrong-doing at the expense of each and every Nevadan.

Section 1270 of the Energy Policy Act ensures that the proper government agency will determine whether Enron is entitled to more money from Nevada. That agency is the Federal Energy Regulatory Commission. When FERC was established by Congress, its fundamental mission was, and remains, to protect ratepayers. FERC has specialized expertise required to resolve the issues surrounding some of the contracts that Enron entered into and eventually terminated.

Many of my colleagues know that Enron has filed for bankruptcy protection. There is an issue in the bankruptcy case as to whether Enron can enforce contracts that it terminated. The enforceability of these contracts should not be decided by a bankruptcy court. A bankruptcy judge does not have the specialized expertise required for this job. A bankruptcy court is responsible for considering different equities than an oversight agency, like FERC, would. The bankruptcy court is responsible for enhancing the bankruptcy estate for the benefit of creditors. FERC, on the other hand, sees a more complete picture which includes protecting the interests of the general public.

This is why section 1270 is so important. It is a provision that is limited in scope. It does not seek to resolve the issue in the favor of one party. Though many Senators from affected States may have been tempted to legislate the outcome, we have refrained from doing so. Let me set the stage for why this provision is so critical. It is a complicated story. It is one that should be told in order to understand why I so strongly support this provision and why I believe the provision should be enacted into law.

There are two major utilities that serve Nevada: Nevada Power and Sierra Pacific Power. Both need to buy power in the wholesale power market to meet the growing energy needs of Nevada. Las Vegas is the fastest growing city in the country. It takes a lot of power to keep the lights on in Las Vegas, Reno, and other parts of our growing State. At the height of the western electricity crisis, when spot market prices for electricity were going not just through the roof but through the stratosphere, FERC urged utilities like the Nevada utilities to reduce their purchases of spot supplies and enter into long-term contracts for electricity.

That is precisely what the Nevada utilities did. Enron was one of the biggest suppliers of wholesale electricity at the time. Starting in December 2000, the Nevada utilities entered into long-term contracts with Enron to meet a significant portion of their long-term needs. At the time, no one was aware of Enron's on-going criminal conspiracy to manipulate the market. No one knew that Enron had engaged in fraud to hide its true financial picture.

The prices that the Nevada utilities agreed to pay Enron for long-term power were truly outrageous. The prices fully reflected Enron's success in manipulating the market. Prices were three times as high as the threshold that FERC had established as a ceiling price that would trigger close scrutiny under the just and reasonable standard. As a result, in November 2001, the Nevada utilities asked FERC to review the rates to determine whether those contract prices were just and reasonable.

Two days after the Nevada companies filed their complaints against Enron, Enron filed for bankruptcy. Its financial house of cards had finally collapsed. As one definitive study of Enron concluded, Enron had been insolvent at the time the company entered into each and every contract with the Nevada utilities.

The contracts between Enron and the Nevada utilities incorporated the Western Systems Power Pool Agreement, a master agreement on file and approved by FERC. This master agreement governs transactions of more than 200 parties throughout the west.

Under the terms of that agreement, if one of the parties files for bankruptcy, the other party may rescind the agreement. So in this case, Enron's bankruptcy would have given the Nevada utilities cause to terminate the contracts. Under the unique terms of this agreement, however, the commercial party that is ''in the money'' will still be able to benefit if the contract is rescinded. So while the Nevada companies could terminate the contract, they still would have had to pay Enron the difference between the contract price and the market price at the time of terminating, to say nothing of the need to buy replacement power.

When Enron entered bankruptcy, the price for electricity had fallen to the level power had sold for prior to Enron's market manipulation. This demonstrates that there was a huge difference between the artificially and unlawfully manipulated price that Enron commanded at the time of the contract and the market price at the time Enron filed for bankruptcy. Given the huge financial hit that the Nevada companies would have had to pay to terminate the Enron contracts, the Nevada companies continued to honor their commitment to purchase power under these contracts.

In March 2002, the Public Utilities Commission of Nevada refused to allow the Nevada utilities to pass more than $400 million in purchased power costs on to ratepayers. As a result, the credit ratings of the Nevada utilities fell below investment grade. Under the terms of the WSPPA, this downgrade gave Enron the right to request assurances regarding the Nevada companies'

intentions with respect to their contracts. In meetings and in telephone calls, the Nevada Companies assured Enron that they would be able to pay Enron everything that would be owed under the contracts.

The WSPPA required Enron to use ''reasonable'' discretion with respect to the contracts. Despite this requirement, Enron terminated the contracts with the Nevada companies and demanded that the Nevada companies pay Enron termination payments totaling approximately $326 million. These termination payments represent pure profit to Enron on power than Enron never delivered. By pure profit, I mean just that. The termination payments are calculated, as I previously noted, by the difference between the cost of power today and the outrageous, manipulation-based prices Enron was able to extract during the energy crisis that Enron had unlawfully created.

The Nevada companies refused to make payment. At this time, it was known that Enron had manipulated the entire western market. As part of Enron's bankruptcy, an ''adversary proceeding'' was initiated to determine the enforceability of these contracts and whether Enron would be allowed to continue to profit under fraudulent contracts at the expense of Nevada's ratepayers.

At this point, the legal proceedings become very complex but the proceedings should be summarized so my colleagues will understand exactly what has happened.

On June 24, 2003, FERC determined that the ''just and reasonable'' standard of review is not available to the Nevada companies with respect to their long-term contracts with Enron. This decision was made because FERC argued that it had previously ''pre-determined'' that the contracts would be just and reasonable when they granted Enron its authority to sell electricity at market-based rates years earlier.

On the very next day, FERC withdrew Enron's authority to sell electricity at market-based rates because of its ''market manipulation schemes that had profound adverse impacts on market outcomes'' which violated its ''market-based rate authorizations.''

The bankruptcy court judge, on August 23, 2003, ruled on a summary judgment motion that the Nevada utilities were required to pay Enron $326 million in termination payments. The court held that, because FERC had not found that Enron's contracts should be modified by virtue of its market manipulation, the filed-rate doctrine applied. It further ruled that it did not need to defer to FERC on whether Enron had complied with the tariff since it could interpret the tariff as well as FERC.

On October 6, 2003, the Nevada Companies filed a complaint with FERC. The complaint sought to have FERC determine: Enron's termination was unreasonable under the tariff; Enron was not entitled to termination payments on equitable grounds; and, assuming Enron was otherwise entitled to termination payments, the contract provision should be set aside as contrary to the public interest.

Then, on July 22, 2004, FERC set for hearing the narrow question of whether Enron's termination was reasonable. FERC deferred ruling on the issue of whether the contract should be set aside under the public interest standard until that issue became ''necessary.'' At the hearing, FERC did not address the issue of equitable claims. On that same day, FERC ruled in a separate case that Enron could be required to disgorge all of its profits.

On September 30, 2004, FERC's administrative law judge denied Enron's motion to dismiss the case, finding, among other things, that FERC's specialized expertise is required.

U.S. District Court Judge Barbara Jones reversed a ruling of the bankruptcy court on October 15, 2004. The district court considered the issue of whether the Nevada companies owed Enron the termination payments. The district court found that the Nevada companies had offered timely assurances and that the issue of whether Enron rejected those assurances and terminated reasonably were issues of fact which required a trial.

On December 3, 2004, the bankruptcy court enjoined FERC from further proceedings after finding that FERC had violated the ''automatic stay'' provisions of the Bankruptcy Code. A hearing on termination payments was tentatively scheduled for this coming July. Currently, motions for interlocutory appeal are pending before a U.S. District Court Judge.

Despite the ruling of a FERC administrative law judge that FERC's expertise was necessary to interpret the master tariff's requirement that a terminating party act ''reasonably,'' the bankruptcy court has enjoined FERC from further considering this issue. Section 1270 of this legislation confirms the decision of the FERC administrative law judge. This section says the judge is correct and the bankruptcy court is wrong. It makes clear that, in this limited matter, FERC has the exclusive jurisdiction to determine the merits of the claims at issue.

This provision is very reasonable. It is a targeted response to a clash among competing jurisdictions over which tribunal, FERC or the bankruptcy court, should decide this issue. If Congress doesn't address the issue of jurisdiction now, the Supreme Court will have to do so years from now. That need not happen. Congress can decide this jurisdictional issue. The decision of the Senate, as reflected in Section 1270, is the right decision.

The language of the amendment tracks Supreme Court precedent that recognizes that Congress can choose to give jurisdiction over issues to administrative agencies when the jurisdiction is consistent with the core functions of the agency. In this instance, the recognition of authority to FERC to decide this matter is narrow. It relates solely to the legality of Enron collecting additional profits in the form of termination payments for power not delivered. It is also directly related to the agency's core function to ensure just and reasonable rates and guard against market manipulation.

I want to assure my colleagues that this provision does not encroach upon the sanctity of contracts. It merely picks the proper forum for determining whether Enron complied with its tariff obligations. Likewise, it also does not alter the standard of review for challenging the contract. Congress is not picking a standard; it is only picking a forum.

Mr. President, this reasonable provision has the support of key industry leaders such as the National Rural Electric Cooperative Association, the American Public Power Association, and the Edison Electric Institute. It has bipartisan support. Anyone who has been as harmed by Enron as ratepayers in my state have understands the need to ensure that only the most qualified tribunal should rule on whether Enron can collect an additional $326 million in windfall profits.

Mr. SALAZAR. Mr. President, as I have said time and again during this debate over the last several weeks, America is being held hostage to its over-dependence on foreign oil. This Energy bill is our first step in setting America free.

From the National Renewable Energy Laboratory in Golden to the balanced development of oil and gas, Colorado is already playing a big part in setting America free.

With a huge, untapped resource called oil shale, Colorado can play an even bigger role in this effort. If properly developed, oil shale that exists in my great State of Colorado has the potential to be part of a strategy to address America's dependence on foreign oil.

Colorado is home to tremendous deposits of oil shale, a type of hydrocarbon bearing rock that is abundant in Western Colorado, as well as Utah and Wyoming. Estimates place the potential recoverable amount of this type of oil as high as 1 trillion barrels. Let me say that again—1 trillion barrels.

Let me put that in perspective:

Saudi Arabia's proven conventional reserves are said to be around 261 billion barrels.

Several of our colleagues argued earlier this spring that ANWR is a resource so remarkable that we must open that pristine land to drilling. According to the U.S. Geological Survey—USGS—the mean estimate of technically recoverable oil is 7.7 billion barrels—billion bbl—but there is a small chance that, taken together, the fields on this Federal land could hold 10.5 billion bbl of economically recoverable oil. That's one percent of the potential oil shale.

Assuming we use 15 million barrels of oil a day just for transportation, oil

shale could keep our transportation going for another 200 years.

Colorado has some experience in trying to access this potential asset. We have had two boom and bust periods, one in the 1800s and the other in the 1980s.

The most recent story is about the ''Boom & Bust'' Colorado experienced during the last oil shale development cycle that began in the 1970's and ended in May of 1982 on ''Black Sunday.''

I will never forget the powerful lessons of Black Sunday.

Colorado invested millions in new towns, only to see thousands of residents flee when oil prices fell, leaving behind them a devastated real estate market.

Communities that invested heavily in schools and roads and housing could no longer meet the burden of paying for this critical infrastructure.

Buildings on the Western Slope—and even in Denver—were built and left empty, if the construction was completed at all.

Towns that thought they were seeing a bright future, struggled to deal with crippling unemployment.

The technical challenges of oil shale and the searing memories of Black Sunday have taught all of Colorado some important lessons.

We now recognize that oil shale's potential can only be realized if it is approached in the right way.

Oil shale development must be considered a marathon and not a sprint.

I believe, as many in Colorado do, that oil shale research and development must be conducted in an open, cautious and thoughtful manner that includes our local communities.

As Congress instructs Federal agencies to consider oil shale research and development leasing and commercial leasing, it must give careful consideration to environmental and socioeconomic impacts and mitigations as well as the sustainability of an oil shale industry.

Colorado is a team player. The people of my State are ready to share the abundant natural resources with which we have been blessed. In exchange, Colorado expects to have a seat at the table.

That is why I introduced the Oil Shale Development Act of 2005. I am very pleased that it has been incorporated into the Energy bill we are now considering.

I believe the oil shale provision in this Energy bill is a thoughtful approach to future oil shale development. It is full of commonsense provisions that build on the lessons we learned in that painful experience 30 years ago.

It directs leasing for research and development;

It requires a programmatic Environmental Impact Study to ensure that we take a comprehensive environmental look at potential commercial leasing;

It directs the Secretary of Interior to work with the States, local communities, and industry to identify and report on issues of primary concern to local communities and populations with commercial leasing and development;

and it insists that States—not the Federal Government—retain authority over water rights.

I know we are going to hear more and more about oil shale development in the Rocky Mountain west. That is as it should be, and we will embark on a thoughtful, balanced approach to oil shale development with this bill.

Mr. ALLEN. Mr. President, as we move forward on Energy legislation crucial for our country's national security, jobs, and competitiveness, I wish to raise an issue which is threatening global energy security. The surging demand for energy in developing countries coupled with the dynamic rise in power and influence of government operated energy companies is changing the global energy market. Specifically, I am concerned about the role of the People's Republic of China with its national oil companies, and the potential adverse effects on U.S. energy supplies. I am also concerned about our ability to compete for energy assets.

China's surging demand for energy is impacting the world. China has now emerged as the second largest consumer of energy, and demand could double by 2020. According to the U.S. Energy Information Administration, China is consuming 7.2 million barrels of oil per day and this is expected to rise to 7.8 million barrels of oil per day by next year. China alone has accounted for 40 percent of growth in oil demand over the last 4 years. According to recent studies, China's growing demand for oil is one of the significant factors driving oil prices to record high levels. With such growth in the Chinese economy, it is understandable why there is greater demand for energy in the form of coal, oil, and nuclear power as well as materials ranging from cement to steel.

With limited domestic resources, China has embarked on an aggressive program through its national energy companies to secure energy and in doing so has proposed acquisition of energy assets around the world, including assets of U.S. based companies. It has become increasingly difficult for private companies in the U.S. to compete against these government-owned energy companies, such as the Chinese state-owned company known as CNOOC. The inherent advantage that these state-owned companies have is that they can operate under non-market terms and conditions for the purchase of energy supplies and assets, including accepting very low rates of return. Thus, private entities in free countries are disadvantaged in competing for energy assets.

China in the past year has signed deals for oil reserved in Africa, Iran, South America, and now Canada. Today, one of China's largest state-controlled oil companies made a $18.5 billion unsolicited bid for Unocal, signaling the first big takeover battle by a Chinese company for a U.S. corporation.

Energy is a global issue and we need to understand the implications for American interests on how these energy shifts may impact us as well as the rest of the world.

It is important that we have a comprehensive review which would include a full assessment of the types of investments China is making in international and U.S. based companies, a better understanding of the relationship between the Chinese energy sector and the Chinese government, and what we can do to ensure a level playing field and flexibility in the global market. Perhaps most importantly, we need to understand how we can better work cooperatively to pursue energy interests as well as work together on conservation, energy efficiency, and technology.

It is nice to talk about working cooperatively with China, but I am concerned that we may be headed on a collision course. Energy is the lifeblood of economic growth and we are beginning to see an imbalance occur. I look forward to hearing from the administration to gain a better understanding of the issues and how the U.S. can best proceed to secure our future energy needs.

Mr. FEINGOLD. Mr. President, while I voted for a similar amendment offered by the Senators from Arizona, Mr. MCCAIN, and Connecticut, Mr. LIEBERMAN, in 2003, unfortunately, the current version of the amendment includes over $600 million in taxpayer subsidies for the creation of new nuclear powerplants. The nuclear industry is a mature industry that does not need to be propped up by the taxpayers. Over 300 national environmental and consumer organizations, including the League of Conservation Voters, Public Interest Research Group, and the Sierra Club, oppose this amendment. Our Nation faces an ever-growing budget deficit and we must be fiscally and environmentally responsible. I strongly believe that global warming is an important national issue, which is why I supported the Bingaman-Specter sense-of-the-Senate amendment to push for a national policy on global warming. I will continue to work with my colleagues on both sides of the aisle to create a meaningful global warming program.

Mr. JEFFORDS. Mr. President, I rise today to congratulate my colleagues on our efforts to pass an energy bill through the Senate that does not include exemptions for the oil and gas industry from drinking water and clean water protections. Section 327 of H.R. 6 as reported contains an exemption to the Safe Drinking Water Act for the practice of hydraulic fracturing. Section 328 of H.R. 6 contains an exemption for the oil and gas industry from obtaining stormwater discharge permits under the Clean Water Act, rolling back fifteen years of environmental

protection. These efforts to weaken the protections applied to our Nation's waters should be stricken from the bill as the conferees on H.R. 6 work to resolve the differences between the two bills.

Over half of our Nation's fresh drinking water comes from underground sources. Hydraulic fracturing occurs when fluids are injected at high rates of speed into rock beds to fracture them and allow easier harvesting of natural oils and gases. It is these injection fluids, and their potential to contaminate underground sources of drinking water, that are of high concern. In a recent report, the EPA acknowledged that these fluids, many of them toxic and harmful to people, are pumped directly into or near underground sources of drinking water. This same report cited earlier studies that indicated that only 61 percent of these fluids are recovered after the process is complete. This leaves 39 percent of these fluids in the ground, risking contamination of our drinking water.

In June of 2004, an EPA study on hydraulic fracturing identified diesel as a ''constituent of potential concern.'' Prior to this, EPA had entered into a Memorandum of Agreement with three of the major hydraulic fracturing corporations, whom all voluntarily agreed to ban the use of diesel, and if necessary select replacements that will not cause hydraulic fracturing fluids to endanger underground sources of drinking water. However, all parties acknowledged that only technically feasible and cost-effective actions to provide alternatives would be sought.

Litigation over the last several years has resulted in findings that hydraulic fracturing should be regulated as part of the underground injection control program in the Safe Drinking Water Act. Yet, EPA indicated in a letter in December of 2004 that they have no intention of publishing regulations to that effect or ensuring that state programs adequately regulate hydraulic fracturing.

I will include our letter to EPA dated October 14, 2004, and their response dated December 7, 2004, in the RECORD.

We need to be moving in the right direction—taking steps to ensure that hydraulic fracturing is appropriately regulated under the Safe Drinking Water Act. I have introduced S. 1080, the Hydraulic Fracturing Safety Act of 2005 to ensure that the practice of hydraulic fracturing is regulated under the Safe Drinking Water Act through the Underground Injection Control, UIC, Program. I would like to thank Senators LAUTENBERG, BOXER, and LIEBERMAN for co-sponsoring that bill. The House energy bill takes steps in the wrong direction—exempting hydraulic fracturing from the Safe Drinking Water Act.

I urge the conferees of this energy bill to strike section 327 of the House-passed energy bill. By striking this language, the conferees will help to ensure that the drinking water enjoyed by all Americans is not damaged through the process of hydraulic fracturing.

This exemption for hydraulic fracturing is not the only step backwards that the House energy bill takes. Section 328 of the bill exempts the oil and gas industry from stormwater protections in the Clean Water Act.

Stormwater runoff is a leading cause of impairment to the nearly 40 percent of surveyed U.S. water bodies that do not meet water quality standards.

Currently, the oil and gas industry is regulated under Phase I of EPA's stormwater regulations which requires National Pollution Discharge Elimination System, NPDES, permits for medium and large municipal storm sewer systems and eleven, 11, categories of industrial activity, including construction sites disturbing more than 5 acres of land. In 1999, EPA adopted the Phase II permitting requirements, effective March 10, 2003, covering small municipal separate stormwater systems and construction sites affecting one to five acres of land. However, EPA extended the Phase II permitting deadline to June 12, 2006 for only the oil and gas industry.

Now, section 328 of the House energy bill completely exempts the oil and gas industry from compliance with both Phase I and Phase II of the NPDES stormwater program.

This action will adversely impact water quality. Oil and gas construction activities require companies to undertake a number of earth disturbing activities, including: clearing, grading, and excavating. Oil and gas site development may also include road construction to transport equipment and other materials, as well as pipeline construction. The stormwater pollution created from these activities can be devastating to the environment.

According to the EPA, over a short period of time, stormwater runoff from construction site activity can contribute more harmful pollutants, including sediment, into rivers, lakes, and streams than had been deposited over several decades. Sediment clouds water, decreases photosynthetic activity, reduces the viability of aquatic plants and animals; and ultimately destroys animals and their habitat. Sediment rates from cleared and graded construction sites are typically 10 to 20 times greater than those from agricultural lands and one-thousand to two-thousand times greater than those from forest lands. Other harmful pollutants in stormwater runoff from construction sites include phosphorous and nitrogen, pesticides, petroleum derivatives, construction chemicals, and solid wastes that may be mobilized when land surfaces are disturbed.

More than 5,000 cities, towns, and counties and eleven, 11, industrial sectors are required to obtain NPDES stormwater permits. Large oil and gas construction sites covered under the Phase I stormwater program have been taking action to reduce the impact of sediments and pollutants on water quality since 1990. In 2005, GAO reported that over a one-year period, 4,330 oil and gas construction sites obtained Phase I stormwater permits in three of the six largest oil and gas producing states. In 20 the Warren County Conservation District submitted information to EPA indicating that 70 percent of the oil and gas projects they inspected between 1997 and 2002 were in violation of Phase I permit conditions. If this amendment is adopted, these actions will no longer be required. In FY 2002/2003, the Alaska Department of Environmental Conservation estimated that they would review 400 engineering plans as part of the stormwater permitting process. The House provision would exempt these sites from 15-year-old requirements to reduce the pollution they send into surrounding waters through stormwater discharges.

The environmental impact from this amendment is even more severe when you factor in the approximately 30,000 oil and gas ''starts'' per year that EPA anticipates could be covered by the Phase II stormwater regulation. EPA is currently reviewing the impact of the regulation on these sites. Adopting this amendment would circumvent this review process and exempt thousands of sites from taking action to protect water quality.

Section 402(l) of the Clean Water Act contains a limited exemption for specific types of uncontaminated discharges from specific types of oil and gas sites from stormwater permit requirements. The language of the Act and the legislative history of this section indicate that when adopted, section 402(l) was intended to give a narrow exemption for specific circumstances in the oil and gas industry that did not include construction activities at every oil and gas—related site.

I urge the conference committee on H.R. 6 to reject the Clean Water and Safe Drinking Water Act exemptions included in the House energy bill. These provisions represent a major step backward in efforts to protect water quality and could pose a direct threat to the safety of drinking water supplies. Should these exemptions be included in the final conference report, we will see our Nation's water quality standards go down the drain.

I ask unanimous consent to print the above-referenced letters in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, October 14, 2004.

Administrator MICHAEL O. LEAVITT,
Environmental Protection Agency, Ariel Rios Building, Washington, DC

DEAR ADMINISTRATOR LEAVITT: We are writing to you regarding the Environmental Protection Agency's (EPA's). administration of the Safe Drinking Water Act (SDWA) as it pertains to hydraulic fracturing. In recent months, the Agency has taken several key actions on this issue:

On December 12, 2003, the EPA signed a Memorandum of Understanding with three of the largest service companies representing 95 percent of all hydraulic fracturing performed

in the U.S. These three companies, Halliburton Energy Services, Inc., Schlumberger Technology Corporation, and BJ Services Company, voluntarily agreed not to use diesel fuel in their hydraulic fracturing fluids while injecting into underground sources of water for coalbed methane production.

In June of 2004, EPA completed its study on hydraulic fracturing impacts and released its findings in a report entitled, ''Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs. The report concluded that hydraulic fracturing poses little chance of contaminating underground sources of drinking water and that no further study was needed.

On July 15, 2004, the EPA published in the Federal Register its final response to the court remand (Legal Environmental Assistance Foundation (LEAF), Inc., v: United States Environmental Protection Agency, 276 F. 3d 1253). The Agency determined that the Alabama underground injection control (UIC) program for hydraulic fracturing, approved by EPA under section 1425 of the SDWA, complies with Class II well requirements.

We are concerned that the Agency's execution of the SDWA, as it applies to hydraulic fracturing, may not be providing adequate public health protection, consistent with the goals of the statute.

First, we have questions regarding the information presented in the June 2004 EPA Study and the conclusion to forego national regulations on hydraulic fracturing in favor of an MOD limited to diesel fuel. In the June 2004 EPA Study, EPA identifies the characteristics of the chemicals found in hydraulic fracturing fluids, according to their Material Safety Data Sheets (MSDSs), identifies harmful effects ranging from eye, skin, and respiratory irritation to carcinogenic effects. EPA determines that the presence of these chemicals does not warrant EPA regulation for several reasons. First, EPA states that none of these chemicals, other than BTEX compounds, are already regulated under the SDWA or are on the Agency's draft Contaminant Candidate List (CCL). Second, the Agency states that it does not believe that these chemicals ate present in hydraulic fracturing fluids used for coalbed methane, and third, that if they are used, they are not introduced in sufficient concentrations to cause harm. These conclusions raise several questions:

1. The data presented in the June 2004 EPA study identifies potential harmful effects from the chemicals listed by the Agency in this report. Has the Agency or does the Agency plan to incorporate the results of this study and the fact that these chemicals are present in hydraulic fracturing agents into the CCL development process, and if not, why not?

2. In the June 2004 EPA study, the Agency concludes that hydraulic fracturing fluids do not contain most of the chemicals identified. This conclusion is based on two items—''conversations with field engineers'' and ''witnessing three separate fracturing events'' (June 2004 EPA Study, p. 4–17.)

a. How did the Agency select particular field engineers with whom to converse on this subject?

b. Please provide a transcript of the conversations with field engineers, including the companies or consulting firms with which they were affiliated.

c. How did the Agency select the three separate fracturing events to witness?

d. Were those events representative of the different site-specific characteristics referenced in the June 2004 study (June 2004 EPA Study, p. 4–19) as determining factors in the types of hydraulic fracturing fluids that will be used?

e. Which companies were observed?

f. Was prior notice given of the planned witnessing of these events?

g. What percentage of the annual number of hydraulic fracturing events that occur in the United States does ''3'' represent?

h. Finally, please explain why the Material Safety Data Sheets for the fluids identified as potentially being used in hydraulic fracturing list component chemicals that the EPA does not believe are present.

The Agency concludes in the June 2004 study that even if these chemicals are present, they are not present in sufficient concentrations to cause harm. The Agency bases this conclusion on assumed flowback, dilution and dispersion, adsorption and entrapment, and biodegradation. The June 2004 study repeatedly cites the 1991 Palmer study, ''Comparison between gel-fracture and water-fracture stimulations in the Black Warrior basin; Proceedings 1991 Coalbed Methane Symposium,'' which found that only 61 percent of the fluid injected during hydraulic fracturing is recovered. Please explain what data EPA collected and what observations the Agency made in the field that would support the conclusion that the 39 percent of fluids remaining in the ground are not present in sufficient concentrations to adversely affect underground sources of drinking water.

After identifying BTEX compounds as the major constituent of concern (June 2004 EPA study, page 4–15), the Agency entered into the MOU described above as its mechanism to eliminate diesel fuel from hydraulic fracturing fluids.

3. a. How does the Agency plan to enforce the provisions in the MOD and ensure that its terms are met?

b. For example, will the Agency conduct independent monitoring of hydraulic fracturing processes in the field to ensure that diesel fuel is not used?

c. Will the Agency require states to monitor for diesel use as part of their Class II UIC Programs?

4. a. Should the Agency become aware of an unreported return to the use of diesel fuel in hydraulic fracturing by one of the parties to the MOU, what recourse is available to EPA under the terms of the MOU?

b. What action does the Agency plan to take should such a situation occur?

c. Why did EPA choose to use an MOU as opposed to a regulatory approach to achieve the goal of eliminating diesel fuel in hydraulic fracturing?

d. What revisions were made to the June 2004 EPA study between the December 2003 adoption of the MOU and the 2004 release of the study? Which of those changes dealt specifically with the use and effects of diesel fuel hydraulic fracturing?

e. The Agency also states that it expects that even if diesel were used, a number of factors would decrease the concentration and availability of BTEX. Please elaborate on the data EPA collected and the observations the Agency made in the field that would support the conclusion that the 39 percent of fluids remaining in the ground (1991 Palmer), should they contain BTEX compounds, would not be present in sufficient concentrations to adversely affect underground sources of drinking water.

We are also concerned that the EPA response to the court remand leaves several unanswered questions. The Court decision found that hydraulic fracturing wells ''fit squarely within the definition of Class II wells,'' (LEAF II, 276 F.3d at 1263), and remanded back to EPA to determine if the Alabama underground injection control program under section 1425 complies with Class II well requirements. On July 15, 2004, EPA published its finding in the Federal Register that the Alabama program complies with the requirements of the 1425 Class IT well requirements. (69 FR No. 135, pp 42341.) According to EPA, Alabama is the only state that has a program specifically for hydraulic fracturing approved under section 1425. Based on this analysis, it seems that in order to comply with the Court's finding that hydraulic fracturing is a part of the Class II well definition, the remaining states should be using their existing Class IT, EPA—approved programs, under 1422 or 1425, to regulate hydraulic fracturing.

To date, EPA has approved Underground Injection Control programs in 34 states. Approval dates range from 1981–1996.

5. Do you plan to conduct a national survey or review to determine whether state Class IT programs adequately regulate hydraulic fracturing?

At the time that these programs were approved, the standards against which state Class IT programs were evaluated did not include any minimum. requirements for hydraulic fracturing. In its January 19, 2000 notice of EPA's approval of Alabama's 1425 program, the Agency stated, ''When the regulations in 40 CFR parts 144 and 146, including the well classifications, were promulgated, it was not EPA's intent to regulate hydraulic fracturing of coal beds. Accordingly, the well classification systems found in 40 CFR 144.6 and 146.5 do not expressly include hydraulic fracturing injection activities. Also, the various permitting; construction and other requirements found in Parts 144 and 146 do not specifically address hydraulic fracturing.'' (65 FR No. 12, p. 2892.)

Further, EPA acknowledges that there can be significant differences between hydraulic fracturing and standard activities addressed by state Class IT programs. In the January 19, 2000 Federal Register notice, the Agency states:

''. . . since the injection of fracture fluids through these wells is often a one-time exercise of extremely limited duration (fracture injections generally last no more than two hours) ancillary to the well's principal junction of producing methane, it did not seem entirely appropriate to ascribe Class II status to such wells, for all regulatory purposes, merely due to the fact that, prior to commencing production, they had been fractured.'' (65 FR No. 12, p. 2892.)

Although hydraulic fracturing falls under the Class II definition, the Agency has acknowledged that hydraulic fracturing is different than most of the activities that occur under Class II and that there are no national regulations or standards on how to regulate hydraulic fracturing.

6. In light of the Court decision and the Agency's July 2004 response to the Court remand, did the Agency consider establishing national regulations or standards for hydraulic fracturing or minimum requirements for hydraulic fracturing regulations under state Class II programs?

7. a. If so, please provide a detailed description of your consideration of establishing these regulations or standards and the rationale for not pursuing them.

b. Do you plan to establish such regulations or standards in the future?

c. If not, what standards will be used as the standard of measurement for compliance for hydraulic fracturing under state Class IT programs?

We appreciate your timely response to these questions in reaction to the three recent actions taken by the EPA in relation to hydraulic fracturing—the adoption of the MOU, the release of the final study, and the response to the Court remand. Clean and safe drinking water is one of our nation's greatest assets, and we believe we must do all we

can to continue to protect public health. Thank you again for your response.

Sincerely,

JIM JEFFORDS.
BARBARA BOXER.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, December 7, 2004.

Hon. JIM JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: Thank you for your letter to Administrator Michael Leavitt dated October 14, 2004, concerning the recent actions that the Environmental Protection Agency (EPA) has taken in implementing the Underground Injection Control (UIC) program with respect to hydraulic fracturing associated with coalbed methane wells.

The Office of Ground Water and Drinking Water (OGWDW) has prepared specific responses to your technical and policy questions regarding how we conducted the hydraulic fracturing study, the reasons behind our decisions pertaining to the recommendations contained in the study, and any plans or thoughts we may have on the likelihood for future investigation, regulation, or guidance concerning such hydraulic fracturing.

Since the inception of the UIC program, EPA has implemented the program to ensure that public health is protected by preventing endangerment of underground sources of drinking water (USDWs). The Agency has placed a priority on understanding the risks posed by different types of UIC wells, and worked to ensure that appropriate regulatory actions are taken where specific types of wells may pose a significant risk to drinking water sources. In 1999, in response to concerns raised by Congress and other stakeholders about issues associated with the practice of hydraulic fracturing of coalbed methane wells in the State of Alabama, EPA initiated a study to better understand the impacts of the practice.

EPA worked to ensure that its study, which was focused on evaluating the potential threat posed to USDWs by fluids used to hydraulica11y fracture coalbed methane wells was carried out in a transparent fashion. The Agency provided many opportunities to all stakeholders and the general public to review and comment on the Agency study design and the draft study. The study design was made available for public comment in July 2000, a public meeting was held in August 2000, a public notice of the final study design was provided in the Federal Register in September 2000, and the draft study was noticed in the Federal Register in August 2002. The draft report was also distributed to all interested parties and posted on the internet. The Agency received more than 100 comments from individuals and other entities.

EPA's final June 2004 study, Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs, is the most comprehensive review of the subject matter to date. The Agency did not recommend additional study at this time due to the study's conclusion that the potential threat to USDWs posed by hydraulic fracturing of coalbed methane wells is low. However, the Administrator retains the authority under the Safe Drinking Water Act (SDWA) section 1431 to take appropriate action to address any imminent and substantial endangerment to public health caused by hydraulic fracturing.

During the course of the study, EPA could not identify any confirmed cases where drinking water was contaminated by hydraulic fracturing fluids associated with coalbed methane production. We did uncover a potential threat to USDWs through the use of diesel fuel as a constituent of fracturing fluids where coalbeds are co-located with a USDW. We reduced that risk by signing and implementing the December 2003 Memorandum of Agreement (MOA) with three major service companies that carry out the bulk of coalbed methane hydraulic fracturing activities throughout the country. This past summer we confirmed that the companies are carrying out the MOA and view the completion of this agreement as a success story in protecting USDWs.

In your letter, you asked about the Agency's actions with respect to hydraulic fracturing in light of LEAF v. EPA. In this case, the Eleventh Circuit held that the hydraulic fracturing of coalbed seams in Alabama to produce methane gas was ''underground injection'' for purposes of the SDWA and EPA's UIC program. Following that decision, Alabama developed—and EPA approved—a revised UTC program to protect USDWs during the hydraulic fracturing of coalbeds. The Eleventh Circuit ultimately affirmed EPA's approval of Alabama's revised UIC program.

In administering the UIC program, the Agency believes it is sound policy to focus its attention on addressing those wells that pose the greatest risk to USDWs. Since 1999, our focus has been on reducing risk from shallow Class V injection wells. EPA estimates that there are more than 500,000 of these wells throughout the country. The wastes injected into them include, in part, storm water runoff, agricultural effluent, and untreated sanitary wastes. The Agency and States are increasing actions to address these wells in order to make the best use of existing resources.

EPA remains committed to ensuring that drinking water is protected. I look forward to working with Congress to respond to any additional questions, or the concerns that Members of Congress or their constituents may have. If you have further comments or questions, please contact me, or your staff may contact Steven Kinberg of the Office of Congressional and Intergovernmental Relations at (202) 564–5037.

Sincerely,

BENJAMIN H. GRUMBLES,
Acting Assistant Administrator.

Attachment.

EPA RESPONSE TO SPECIFIC QUESTIONS REGARDING HYDRAULIC FRACTURING

The data presented in the June 2004 EPA study identifies potential harmful effects from the chemicals listed by the Agency in this report. Has the Agency or does the Agency plan to incorporate the results of this study and the fact that these chemicals are present in hydraulic fracturing agents into the Contaminant Candidate List (CCL) development process, and if not, why not?''

Although the EPA CBM study found that certain chemical constituents could be found in some hydraulic fracturing fluids, EPA cannot state categorically that they are contained in all such fluids. Each fracturing procedure may be site specific or basin specific and fluids used may depend on the site geology, the stratigraphy (i.e. type of coal formation), depth of the formation, and the number of coal beds for each fracture operation. The Agency's study did not develop new information related to potential health effects from these chemicals; it merely reported those potential health effects indicated on the Material Safety Data Sheet (MSDS) or other information we obtained from the service companies.

As noted in the final report, ''Contaminants on the CCL are known or anticipated to occur in public water systems. . .'' The extent to which the contaminants identified in fracturing fluids are part of the next CCL process will depend upon whether they meet this test.

2. In the June 2004 EPA study, the Agency concludes that hydraulic fracturing fluids do not contain most of the chemicals identified. This conclusion is based on two items—''conversations with field engineers'' and ''witnessing three separate fracturing events''.

a. How did the agency select particular field engineers with whom to converse on this subject?

The Agency did not ''select'' any of the engineers; we talked with the engineers who happened to be present at the field operations. In general those were engineers from the coalbed methane companies and the service companies who conducted the actual hydraulic fracturing. When we scheduled to witness the events, we usually conversed with the production company engineer to arrange the logistics and only spoke with the field engineers from the service companies at the well site.

b. Please provide a transcript of the conversations with field engineers, including the companies or consulting firms with which they were affiliated.

EPA did not prepare a word-for-word transcript of conversations with engineers.

c. How did the Agency select the three separate fracturing events to witness?

The events selected were dependent on the location of the fracturing events, the schedules of both EPA OGWDW staff and EPA Regional staff to witness the event, and the preparation time to procure funding and authorization for travel. EPA witnessed the 3 events because the planning and scheduling of these happened to work for all parties. In one event, only EPA HQ staff witnessed the procedure, in another event only EPA Regional staff witnessed it, and in one event both EPA HQ and Regional staff attended with DOE staff.

d. Were those events representative of the different site-specific characteristics referenced in the June 2004 study (p. 4–19) as determining factors in the types of hydraulic fracturing fluids that will be used?

Budget limitations precluded visits to each of the 11 different major coal basins in the U.S. It would have proven to be an expensive and time-consuming process to witness operations in each of these regions. Additionally, even within the same coal basin there are potentially many different types of well configurations, each of which could affect the fracturing plan. EPA believed that witnessing events in 3 very different coal basin settings—Colorado, Kansas, and south western Virginia—would give us an understanding of the practice as conducted in different regions of the country.

e. Which companies were observed?

EPA observed a Schlumberger hydraulic fracturing operation in the San Juan basin of Colorado, and Halliburton hydraulic fracturing operations in southwest Virginia and Kansas.

f. Was prior notice given of the planned witnessing of these events?

Yes, because it would have been very difficult to witness the events had they not been planned. To plan the visit, EPA needed to have prior knowledge of the drilling operation, the schedule of the drilling, and the scheduling of the services provided by the hydraulic fracturing service company. Wells, in general, take days to drill (in some cases weeks and months depending on depth of the well) and the fracturing may take place at a later date depending on the availability of the service company and other factors beyond anyone's control.

g. What percentage of the annual number of hydraulic fracturing events that occur in the United States does ''3'' represent?

Because of a limited project budget, EPA did not attempt to attend a representative

number of hydraulic fracturing events; that would have been beyond the scope of this Phase I investigation. The primary purpose of the site visits was to provide EPA personnel familiarity with the hydraulic fracturing process as applied to coalbed methane wells. The visits served to give EPA staff a working-level, field experience on exactly how well-site operations are conducted, how the process takes place, the logistics in setting up the operation, and the monitoring and verification conducted by the service companies to assure that the fracturing job was accomplished effectively and safely. EPA understands that thousands of fracturing events take place annually, for both conventional oil and gas operations and for coalbed methane production, and that three events represent an extremely small fraction of that total.

h. Finally, please explain why the Material Safety Data Sheets for the fluids identified as potentialIy being used in hydraulic fracturing list component chemicals that the EPA does not believe are present.

In Table 4–1 of the final study, EPA identified the range of fluids and fluid additives commonly used in hydraulic fracturing. Some of the fluids and fluid additives may contain constituents of potential concern, however, it is important to note that the information presented in the MSDS is for the pure product. Each of the products listed in Table 4–1 is significantly diluted prior to injection. The MSDS information we obtained is not site specific. We reviewed a number of data sheets and we noted that many of them are different, contain different lists of fluids and additives, and thus we concluded in the final report that we cannot say whether one specific chemical, or chemicals, is/are present at every hydraulic fracturing operation.

3. a. How does the Agency plan to enforce the provisions in the MOU and ensure that its terms are met?

There is no mechanism to ''enforce'' a voluntary agreement such as the MOA signed by EPA and the three major service companies. The MOA was signed in good faith by senior managers from the three service companies and the Assistant Administrator for Water, and EPA expects it will be carried out. EPA has written all signers of the MOA and asked if they have implemented the agreement and how will they ensure that diesel fuel is not being used in USDWs. All three have written back to EPA, stating that they have removed diesel from their CBM fracturing fluids when a USDW is involved and intend to implement a plan to ensure that such procedures are met. EPA intends to follow up with the service companies on progress in implementing such plans.

b. For example, will the Agency conduct independent monitoring of hydraulic fracturing processes in the field to ensure that diesel fuel is not used?

It is unlikely that EPA will conduct such field monitoring. First, in most oil and gas producing states, and coalbed methane producing states, the State Oil and Gas Agency generally has UIC primary enforcement responsibility, and the state inspectors are the primary field presence of such operations. Second, EPA has a very limited field staff and in most cases they are engaged in carrying out responsibilities related to Class I, III and V wells in states in which they directly implement the UIC program. EPA plans to work with several organizations, including the Ground Water Protection Council and the Independent Petroleum Association of America to determine if there are other smaller companies conducting CBM hydraulic fracturing with diesel fuel as a constituent and will explore the possibility of including them in the MOA.

c. Will the Agency require states to monitor for diesel use as part of their Class II programs?

Given limited funds for basic national and state UIC program requirements, EPA does not have plans to include the states as parties to the MOA or require them to monitor for diesel fuel in hydraulic fracturiug fluids. The State of Alabama's EPA-approved UIC program prohibits the hydraulic fracturing of coalbeds in a manner that allows the movement of contaminants into USDWs at levels exceeding the drinking water MCLs or that may adversely affect the health of persons. Current federal UIC regulations do not expressly address or prohibit the use of diesel fuel in fracturing fluids, but the SDWA and UIC regulations allow States to be more stringent than the federal UIC program.

4. a. Should the Agency become aware of an unreported return to the use of diesel fuel in hydraulic fracturing by one of the parties to the MOU, what recourse is available to EPA under the terms of the MOU?

There are no terms in the MOA that would provide EPA a mechanism to take any enforcement action should the Agency become aware of an unreported return to the use of diesel fuel in hydraulic fracturing by one of the parties to the MOA. However, EPA would work closely with the companies to determine why such action occurred and discuss possible termination procedures. The agreement defines how either party can terminate the agreement. EPA would make every effort to work with such a company to maintain their participation in the agreement. EPA entered the agreement with an assumption that the companies would honor the commitments they have made about diesel use in hydraulic fracturing fluids.

b. What action does the Agency plan to take should such action occur?

If such a situation does happen, and EPA learns that diesel fuel used in hydraulic fracturing fluid may enter a USDW and may present an imminent and substantial threat to public health, EPA may issue orders or initiate litigation as necessary pursuant to SDWA section 1431 to protect public health. Otherwise, EPA would take the actions described under the previous question.

c. Why did EPA choose to use an MOU as opposed to a regulatory approach to achieve the goal of eliminating diesel fuel in hydraulic fracturing?

While the report's findings did not point to a significant threat from diesel fuel in hydraulic fracturing fluids, the Agency believed that a precautionary approach was appropriate. EPA chose to work collaboratively with the oil service companies because we thought that such an approach would work quicker and be more effective than other approaches the Agency might employ (i.e. rulemaking, enforcement orders, etc.). We believed that once the service companies became familiar with the issue, they wouid willingly address EPA's concerns. After several months of meetings and negotiations between representatives of the service companies and high level management in EPA's Office of Water, a Memorandum of Agreement (MOA) was drafted and signed by all parties effective December 24, 2003.

We believe that the MOA mechanism accomplished the intended goal of removing diesel from hydraulic fracturing fluids in a matter of months, whereas proposing a rule to require removal would have taken at least a year or more.

d. What revisions were made to the June 2004 EPA study between the December 2003 adoption of the MOU and the 2004 release of the study? Which of those changes dealt specifically with the use and effects of diesel fuel in hydraulic fracturing?

During the specified time-frame, EPA focused on making editorial changes to the report and clarifying information relative to its qualitative discussion of the mitigating effects of dilution, dispersion. adsorption, and biodegradation of residual fluids. With respect to tbe use and effects of diesel fuel. changes in the study primarily focused on including language in the text of the report which acknowledged that we had successfully negotiated an MOA with the service companies. Specifically, EPA referenced this agreement in the text of the report in the Executive Summary at page ES–2 and on page ES–17, and further discussed the MOA in Chapter 7 in the Conclusions Section of the study.

e. The Agency also states that it expects that even if diesel were used, a number of factors would decrease the concentration and availability of BTEX. Please elaborate on the data EPA collected and the observations the Agency made in the field that would support the conclusion that 39 percent of fluids remaining in the ground (1991 Palmer), should they contain BTEX compounds, would not be present in sufficient concentrations to adversely affect underground sources of drinking water.

EPA reiterates that the 39 percent figure from the 1991 Palmer paper is only one instance where it has been documented what quantity of the hydraulic fracturing fluids injected into wells will remain behind. Dr. Palmer, who conducted the original research, estimated that coalbed methane production wells flow back a greater percentage of fracturing fluids injected during the process. Where formations are dewatered or produced for a substantial period of time, greater quantities of formation and fracturing fluids would presumably be removed. We used 39 percent remaining fluids as a ''worst case'' scenario while doing our qualitative assessment, since it was the only figure we had from research conducted on coalbed methane wells.

With respect to the BTEX compounds, we no longer believe that they are a concern owing to the MOA negotiated between EPA and the three major service companies.

5. Do you plan to conduct a national survey or review to determine whether state Class II programs adequately regulate hydraulic fracturing?

At this time, EPA has no plans to conduct such a survey or review regarding the adequacy of Class II programs in regularing hydraulic fracturing. In its final study design, EPA indicated that it would not begin to evaluate existing state regulations concerning hydraulic fracturing until it decided to do a Phase III investigation. The Agency, however, reserves the right to change its position on this if new information warrants such a change.

6. In light of the Court decision and the Agency's July 2004 response to the Court remand, did the Agency consider establishing national regulations or standards for hydraulic fracturing or minimum requirements for hydraulic fracturing regulations under Class II programs?

When State UIC programs were approved by the Agency—primarily during the early 1980s—there was no Eleventh Circuit Court decision indicating that hydraulic fracturing was within the definition of ''underground injection.'' Prior to LEAF v. EPA. EPA had never interpreted the SDWA to cover production practices, such as hydraulic fracturing. After the Court decision in 1997, the Agency began discussions with the State of Alabama on revising their UIC program to include hydraulic fracturing. The net result of that process was the EPA approval of Alabama's revised section 1425 SDWA UIC program to include specific regulations addressing CBM

hydraulic fracturing. This approval was signed by the Administrator in December 1999. and published in the Federal Register in January 2000.

In light or the Phase I HF study and our conclusion that hydraulic fracturing did not present a significant public health risk, we see no reason at this time to pursue a national hydraulic fracturing regulation to protect USDWs or the public health. It is also relevant at the three major service companies have entered into an agreement with EPA to voluntarily remove diesel fuel from their fracturing fluids.

7. a. If so, please provide a detailed description of your consideration of establishing these regulations or standards and the rationale for not pursuing them.

b. Do you plan to establish such regulations or standards in the future?

c. If not, what standards will be used as the standard of measurement for compliance for hydraulic fracturing under state Class II programs?

EPA has not explored in any detailed fashion minimum national or state requirements for hydraulic fracturing of CBM wells, except when it evaluated the revised UIC program in Alabama.

Considering and developing national regulations for hydraulic fracturing would involve discussions with numerous stakeholders. the states, and the public and it would require an intensive effort to arrive at regulatory language that could be applied nation-wide. As EPA's study indicates, coalbeds are located in very distinct geologic settings and the manner in which they are produced for methane gas may be very different in each locale. The proximity of USDW to the coal formations. and the regional geology and hydrology all play roles in how hydraulic fracturing operations are conducted.

If EPA receives information of drinking water contamination incidents and follow-up investigations point to a problem, EPA would then re-evaluate its decision to not continue with additional stndy relating to CBM hydraulic fracturing.

Should additional states submit revised UIC programs for EPA's review and approval which include hydraulic fracturing regulations, we would evaluate these programs under the "'effectiveness.'' standards of the SDWA section 1425 as we did or the State of Alabama.

OIL AND GAS ACCOUNTABILITY PROJECT
Durango, CO, June 14, 2005.

Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: Please accept this letter of endorsement for S. 1080, the Hydraulic Fracturing Safey Act of 2005.

Hydraulic fracturing is the industry practice of injecting fluids and other substances underground in order to increase production of oil and gas. While the industry refuses to fully list the chemicals it injects underground, the EPA has found that many of these chemicals are known to be toxic to humans and some are actually considered hazardous under federal law. Yet, the EPA and all states except Alabama have refused to regulate the toxics that are used during hydraulic fracturing operations. What this, means, in practice, is that is it legal for hydraulic fracturing companies to inject toxic chemicals into or close to drinking water aquifers. The EPA has even admitted that a number of toxic hydraulic fracturing chemicals can be injected into drinking water sources at concentrations that pose a threat to human health.

With thousands of new oil and gas wells being drilled each year, the impacts of hydraulic fracturing are beginning to show up. In western Colorado, hydraulic fracturing literally blew up one homeowner's water well and contaminated it with methane. In Alabama, hydraulic fracturing turned water wells black, and citizens have experienced health problems following contact with the affected water. The true scope of the problem, is not known, however, because state agencies do not monitor groundwater for chemicals used in hydraulic fracturing operations.

Despite the fact that unregulated hydraulic fracturing may be poisoning our drinking water. Senator Inhofe has introduced a bill, S.837, on behalf of the oil and gas industry, that would completely exempt hydraulic fracturing from EPA regulation under the Safe Drinking Water Act.

Thank you and Senators Lautenberg, Boxer and Lieberman for introducing the Hydraulic Fracturing Safety Act of 2005 (S. 1080). requiring the use of nontoxic products in hydraulic fracturing operations during oil and gas production. This important bill will help to protect our precious underground drinking water sources.

Sincerely,

GWEN LACHELT,
Director.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, May 25, 2005.

Hon. JAMES M. JEFFORDS,
Ranking Member, Senate Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR RANKING MEMBER JEFFORDS: On behalf of the National Wildlife Federation, and the millions of hunters, anglers and outdoor enthusiasts we represent, I am writing to thank you for introducing the Hydraulic Fracturing Safety Act of 2005.

I am pleased that your legislation would ban the use of diesel or other priority pollutants listed under the Federal Water Pollution Control Act in hydraulic fracturing for oil or natural gas exploration and production and also require the EPA to regulate hydraulic fracturing.

EPA does not currently regulate hydraulic fracturing, a common technique used to stimulate oil and gas production that can potentially compromise groundwater resources and reserves. An EPA whistle-blower and other experts agree that hydraulic fracturing is a serious threat to drinking water. Hydraulic fracturing has already impacted residential drinking water supplies in at least three states (Colorado, Virginia and Alabama) and incidents have been recorded in other states (New Mexico, West Virginia and Wyoming) where residents have recorded changes in water quality or quantity following hydraulic fracturing operations near their homes.

I am disappointed that the U.S. House of Representatives passed an energy bill that exempts the oil and gas industry from being regulated under the Safe Drinking Water Act for hydraulic fracturing. The House passed bill would also exempt all oil and gas construction activities from the Clean Water Act; cut the heart out of environmental reviews by allowing for numerous National Environmental Policy Act exemptions; and require the BLM to rush to judgment on complex energy permitting decisions. These provisions would harm America's wildlife and Americans' water resources and recreational opportunities. I urge you to remain steadfast and oppose any amendments on the Senate floor that would provide egregious exemptions to the laws that protect water resources, wildlife and their habitat.

NWF and the millions of hunters, anglers and outdoor enthusiasts we represent commend you for your leadership on safeguarding our water resources and wildlife habitat. If you have further questions, please do not hesitate to contact me.

Sincerely,

JIM LYON,
Senior Vice President, Conservation.

Mr. JEFFORDS. Mr. President. I thank Senator GRASSLEY, Senator BAUCUS and the other members of the Senate Finance Committee for agreeing to my recycling amendment, which I call the Recycling Investment Saves Energy, RISE, provisions. These provisions were added to the tax title of the energy bill last week and have now been incorporated into the Energy bill as section 1545 of H.R. 6.

The current Senate Energy bill contains important provisions to promote the use of energy savings in vehicles, appliances, new homes, and commercial buildings. As we move forward with fostering energy efficiency, we must not neglect recycling. Recycling should be an integral component of our nation's energy efficiency strategy.

The RISE provisions will create jobs, increase productivity, and conserve energy by establishing a tax credit to preserve and expand America's recycling infrastructure. Specifically, the provisions establish a 15 percent tax credit for the purchase of qualified recycling equipment used to sort or process packaging and printed materials, such as beverage containers, cardboard boxes, glass jars, steel cans and newspapers.

The tax credit could be claimed by material recovery facilities, manufacturers or other persons that purchase recycling equipment that sorts or processes residential or commercial recyclable materials, even if such equipment also is used to handle material from industrial facilities.

This national investment in our recycling infrastructure is necessary to reverse the declining recycling rate of many consumer commodities, including aluminum, glass and plastic, which are near historic lows. For example, 55 billion aluminum cans were wasted by not being recycled in 2004, which represents approximately $1 billion of aluminum lost to industry. The recycling rate of paper is estimated to be roughly 50 percent, glass containers 35 percent, and PET plastic bottles less than 20 percent.

The energy savings from greater recycling are significant. Increasing the recycling of containers, packaging and paper could save the equivalent energy output of 15 medium-sized power plants on an annual basis. Recycling aluminum cans, for example, saves 95 percent of the energy required to make the same amount of aluminum for its virgin source. Increasing the U.S. recycling rate to 35 percent would result in annual energy savings of 903 trillion BTUs, enough to meet the annual energy needs of 8.9 million homes.

Due to the diminishing quantity and quality of available recyclable materials, many companies are not able to obtain the volume of quality recycled feedstock needed to meet demand. This

new economic challenge makes it even harder for recycled products to compete in the marketplace. For example, two Michigan plastic recycling facilities recently closed, affecting 100 jobs, as a result of inconsistent supply of recycled plastic. Similarly 17 percent of the recycling capacity at U.S. paper mills has been shut down, in part due to insufficient quality recyclable materials. One leading glass manufacturer also reports that they are able to obtain only a small fraction of the volume of recycled glass that their facilities can use.

In some cases, recyclers have been forced to shut down their operations in the United States and relocate to other countries due in part to insufficient or poor quality recycled feedstocks. This is particularly unfortunate as, on a per-ton basis, sorting and processing recyclables are estimated to sustain 10 times more jobs than landfilling or incineration.

The RISE provisions aim to reverse the declining recycling rate and resulting energy loss by incentivizing greater collection of quality recyclable materials. The bill would expand collection efforts by making innovative technology more affordable, such as reversible vending machines that collect and process empty containers. It could also be used to finance equipment at recycling collection centers.

This targeted tax credit would address quality concerns by reducing the barriers hindering investment in optical sorting and other state of the art equipment needed at material recovery facilities. By reducing material loss and improving quality, RISE will increase both the quantity and quality of recycled feedstock available to manufacturers.

Reducing the barriers to recycling also serves a number of environmental goals, including lessening the need for new landfills, preventing emissions of many air and water pollutants, reducing greenhouse gas emissions, and stimulating the development of green technology. But most importantly, recycling helps preserve resources of our children's future. For these reasons, I urge my colleagues to support these provisions.

Mr. President, last night the Senate narrowly defeated the Kerry amendment No. 844, sense-of- the-Senate resolution on climate change. I was unable to be present for the vote, but I strongly supported this sense of the Senate. The United States has consistently failed to constructively engage in international discussions in a manner consistent with our obligations under the United Nations Framework Convention on Climate Change or even under a basic good neighbor policy. The Bush administration policy on global warming is ineffective, unproductive, and irresponsible.

The administration's voluntary approach and efforts to address global warming have been underfunded and will not produce real emissions reductions in the timeframe necessary. Fortunately, many of the States have taken up the mantle of leadership, since there is a tremendous vacuum in the White House. By reversing his pledge to control carbon dioxide from powerplants, walking away from the Kyoto Protocol, and now snubbing British Prime Minister Tony Blair's request for assistance from the United States on this critical climate change problem, the President is reneging on this Nation's responsibility and opportunity to be a world leader.

Carbon dioxide levels have never been higher and the United States disproportionately contributes to the global warming problem. We need to reengage with the world in producing a binding global plan that reduces greenhouse gases below levels that would cause dangerous interference with the Earth's climate.

The administration and the world should pay close attention to the passage of the Bingaman-Specter resolution that committed the Senate to adopting legislation containing mandatory controls on carbon dioxide. This is an important resolution and it should serve as a wakeup call to the administration and those among the carbon-intensive industries. We must shoulder our moral responsibility to reduce the risks of global warming.

Mr. President, I thank the bill managers, Senator DOMENICI and Senator BINGAMAN, for agreeing to accept my amendment in the managers' package that was agreed to last night by unanimous consent. My amendment directs the Architect of the Capitol to study the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen building, specifically the roof area above the cafeteria in the center of the building.

Today, all that exists is open space in the center of the building. My amendment will assist the Architect in obtaining information that will allow this space to be used in a more efficient manner and save taxpayer dollars.

During debate on the energy bill, the Senate has heard numerous arguments on the importance of conserving energy. In August of 2003, nearly 50 million people in the Northeast and Midwest were affected by a massive power outage. This event emphasized the vulnerability of the U.S. electricity grid to human error, mechanical failure, and weather-related outages. Failure to maintain a reliable grid had a huge impact on our Nation's economy, businesses, and individuals' everyday lives.

It is vital, then, that we here in the Senate do our part and put measures in place to make the Nation's Capitol a more secure and sustainable user of electricity. The Capitol Complex is largely dependent upon the electrical grid for power. Our daily operations should not be compromised by grid failure.

My amendment moves us forward in the right direction. Technology already exists to ensure that our operating systems can continue to operate despite loss of a main power supply. By creating onsite generating capacity through the installation of cogeneration equipment at the power plant and using solar powered equipment, like photovoltaic panels, we could produce energy to operate essential systems during a blackout or significant loss of power. We can start slowly by powering emergency lighting and notification systems in hallways so the occupants know how to exit the building safely or upgrade the electrical generating capacity of the complex. Technology is only getting better. My amendment asks the Architect of the Capitol to explore the use of this new technology to ensure that the Nation's Capitol always has reliable power.

In addition, this new technology also has the potential to provide significant savings in the Capitol's operating budget. We are all looking for ways to save the taxpayers money and reduce the Nation's deficit. We have the opportunity today to set an example and practice what we preach. As Members of Congress, we can educate ourselves and our staff on the benefits of energy efficiency, and see first hand the savings it can generate. The Nation's Capitol can join those already utilizing this technology and help encourage others to adopt it as well.

My amendment requires a feasibility study be conducted to look at the Dirksen building rooftop, including the open space in the center of the building directly above the cafeteria. The study will focus on more efficient use of the space while providing energy and water savings to the Capitol Complex.

I envision a wonderful park and garden area that Members and staff can actually use. These gardens would not only provide a beautiful environment by utilizing native plants, but they would also reduce energy use, and provide insulation for the building to reduce heat and energy loss.

These gardens would also provide a collection system for rainwater to limit the amount of stormwater runoff in the area. This collected water could be utilized for basic plumbing, watering the vegetation, or even the fire sprinkler systems; thereby reducing the use of water in the Capitol Complex.

Installation of technology, like photovoltaic panels, could collect the rays of the sun and provide energy to the building. These can be installed on the rooftops of our buildings in many different areas. These panels are now made to blend into any environment

There is even technology that exists to funnel natural daylight into the cafeteria in the basement. Imagine enjoying natural daylight as you consume your lunch or hold that quick meeting. Preliminary studies show that exposure to daylight improves worker productivity and results in less absenteeism due to illness.

The Architect of the Capitol is currently updating the master plan for the

Capitol Complex. This small project fits into that plan. The Architect is making great strides to update our operating systems with newer and efficient technology with sustainable features. I appreciate his efforts and encourage him to continue doing so.

Before I conclude, I would like to thank a former staffer who helped me develop this great idea, Mary Katherine Ishee. Mary Katherine was creative enough to look beyond the barren view from the committee offices on the fourth floor of the Dirksen building and realize the opportunity it presented.

It is about time we bring our home, the Capitol Complex, up to date with the rest of the world. This language is a step in that direction. We have the potential to use the latest technology to save energy, address security concerns, conserve our resources, and make more efficient use of this space.

We will all benefit from a wonderful, efficient, and useful park in the middle of the Dirksen building, and the taxpayers will benefit from our reduced energy and water use in the form of lower utility bills. I am very pleased that this measure has been added and I hope it will be retained by the conferees.

Mr. President, I want to thank Senators DOMENICI and BINGAMAN for adopting my amendment No. 774, as part of the Senate Energy bill. The amendment authorizes up to $20 million a year for 7 years for the establishment of a new Department of Energy grant program to aid local governments, municipal utilities, rural electric cooperatives, and not-for-profit agencies. The cost of repairing transmission lines is proving particularly difficult for small communities in Vermont and across America.

I became interested in creating such a program due to the challenges that communities in my State are facing with respect to the upgrading and siting of transmission and distribution lines. For example, residents in Lamoille County, VT, have been struggling to find ways to expand the transmission system to accommodate the demands of a growing tourism industry without overly burdening local residents with the cost of such an upgrade. Currently, the transmission system that delivers electricity to this area of my State is at peak capacity, leaving the local community in jeopardy should a single event like a fallen power line or damage to a key piece of equipment occur.

Not only must communities afford the costs of the infrastructure itself, but also the costs of integrating these new technologies into the rural landscape in a way that does not destroy their scenic quality and protects their lifestyle.

These grants will help rural communities meet these needs. They can be used for increasing energy efficiency, siting or upgrading transmission lines, or providing modernizing electric generating facilities to serve rural areas. Under the generation grants portion of the program, preference will be given to renewable facilities such as wind, ocean waves, biomass, landfill gas, incremental hydropower, livestock methane, or geothermal energy.

By adopting my legislation as part of this Energy bill, small electric cooperatives and local governments in Lamoille County, VT, will be eligible to apply for Federal grants to construct new facilities and transmission upgrades. This is a good amendment and it should be retained by the conferees.

Mr. President, last night the Senate defeated amendment No. 961 that would have banned the siting of windmills in many areas in the lower 48 States and made them ineligible to receive Federal tax subsidies. Had I been present to vote, I would have opposed this amendment. In my 30 years in Congress, I have been a strong proponent of renewable energy sources including wind power. I am very optimistic about the role wind energy can play in satisfying a growing proportion of this Nation's energy needs.

If the objective of this amendment was to protect scenic qualities of America's lands and shorelines, it did not achieve that goal. The amendment only targeted the siting of windmills within 20 miles of Federal public lands, but did not address the siting of coal-fired powerplants and other energy sources that have far greater impacts to our public lands. Just look at the impacts that air pollution blowing in from coal-fired Midwest powerplants is currently having on the Great Smoky Mountain National Park, Shenandoah National Park, and the protected areas in the beautiful green mountains of Vermont.

This amendment also failed to treat all public lands and wildlife refuges equally. As ranking member of the Environment and Public Works Committee, the committee with jurisdiction over our Nation's wildlife refuges, I was concerned that, had this amendment been approved, no wind turbine situated anywhere near Federal lands in the lower 48 States would have been eligible to receive Federal tax subsidies, thereby severely limiting the expansion of wind power in the United States. Oddly, this amendment specifically exempted some other federally protected areas such as coastal wildlife refuges in Louisiana and Alaska. By defeating this amendment by a wide margin, the Senate sends a strong message that wind power has a role to play in satisfying this Nation's energy needs.

Mr. PRYOR. Mr. President, families in Arkansas want and deserve a national energy policy that truly moves us towards energy independence. We must look beyond oil, gas, and coal and develop cleaner alternatives and new sources of energy, especially renewable fuels.

This bill offers a good starting point in achieving this goal, and I am pleased the Senate has agreed to adopt my amendment that embraces the potential of biodiesel and hythane as part of this effort.

My amendment requires that the Department of Energy, in conjunction with universities throughout the country, prepare two reports. These reports would evaluate the potential markets, infrastructure development needs and possible impediments to commercialization for two alternative fuels: biodiesel and hythane.

Biodiesel can substitute directly for petroleum-based diesel fuel, usually with no engine modifications, and offers a number of health and environmental benefits. It produces less carbon monoxide, less sulfur oxides emissions, and less particulate or soot emissions from some engines. It allows for safer handling. It is an agricultural-based feedstock may be produced anew every year, unlike fossil fuels which have declining reserves. And in Arkansas and other agricultural states, the robust commercializing of biodiesel would mean an economic boon to our farmers.

The promise of biodiesel as a fuel source is just beginning to show. Biodiesel only currently accounts for less than 0.1 percent of diesel fuel consumption in the U.S. But total U.S. diesel fuel use was estimated at 39.5 billion gallons in 2001, including 33.2 billion of on-road highway use.

The enhanced commercialization of biodiesel can help reverse this trend, but only if we enable this industry to get off the ground on a solid footing. We have seen an enormous amount of federal assistance help support and catapult the ethanol industry. Our soybean farmers and our Nation could benefit from similar treatment.

My amendment also requires a study on the feasibility of hythane deployment, which is a blend of hydrogen and methane. Hythane is considered a stepping stone or bridge to the hydrogen economy because it represents an initial commercial application of hydrogen as a legitimate fuel option. It reduces nitrogen oxide, NO_x, emissions by 95 percent relative to diesel, and makes significant reductions in carbon dioxide.

China is now leading the way in developing hythane-powered vehicles. In preparation for the 2008 Olympics, Beijing, is in the process of replacing 10,000 diesel buses with hythane buses.

Additionally, hythane offers a solution to improve waste management in our communities. According to the Environmental Protection Agency, municipal solid waste landfills are the largest source of human-related methane emissions in the United States, accounting for about 34 percent of these emissions. Landfill gas is created as solid waste decomposes in a landfill and consists of about 50 percent methane.

Instead of allowing this gas to escape into the air, it can be captured, converted, and used to make hythane. As

of December 2004, there are approximately 380 operational Landfill Gas energy projects in the United States and more than 600 landfills that are good candidates for projects. Companies ranging from Ford to Honeywell to Nestle are converting landfill gas into energy.

There is similar potential for chemical plants who also release methane into the atmosphere, contributing to local smog and global climate change. If they sequestered methane to sell to a hythane manufacturer, I believe they would take advantage of the profits it would yield.

My State of Arkansas, for example, has significant methane seams, including the Fayetteville shale bed methane seam, which Southwest Energy and CDX Gas are already using to their advantage. These resources could contribute to hythane fuel production as well.

Our Nation's energy problems cannot be solved overnight; however, we would be remiss if we did not at least further explore innovative and practical solutions, such as biodiesel and hythane. This amendment is a win-win situation for our energy dependence, health, economy and environment. I thank my colleagues for their support.

Mr. FEINGOLD. Mr. President, I regret that I was unable to take part in yesterday's cloture vote because I was testifying before the BRAC Commission in St. Louis, MO, along with the senior Senator from Wisconsin, in an effort to save the Milwaukee-based 440th Airlift Wing from closing. The fate of the 440th is very important to me and my constituents, and, while I have only missed a handful of votes in my 12 years in the Senate, it is clear to me that testifying in St. Louis was the right decision.

If I had been present I would have again voted against the cloture motion on the nomination of John Bolton. Since the motion required 60 votes to pass, my absence did not affect, and could not have affected, the outcome of the vote.

Mr. BYRD. Mr. President, for too long, we as a body, and we as a Nation, have fallen short in our efforts to address some of the most profound and far reaching challenges of our time—global climate change and energy security. For too long, we have skirted the issues and have shirked our responsibilities. We have convinced ourselves that we are doing something but, in reality, we continue to take no real action. Rather than lead, we have stood by, paralyzed, undermining any efforts to forge an effective response.

It is time to pull ourselves out of that quicksand and confront the tasks at hand. First, we must establish practical and comprehensive steps to reduce U.S. emissions of greenhouse gases and to reduce our dependence on foreign energy sources. Second, we must work in a partnership with developing nations to deploy clean energy technologies that can meet their urgent development needs while reducing their own contribution to global climate change and their growing energy dependency. Third, we must commit ourselves to the fundamental task of forging an effective and sound international agreement to guide a truly global effort to confront this most daunting problem, global climate change.

In 1997, during the 105th Congress, the Senate passed S. Res. 98, by a vote of 95 to 0. As the primary author, along with Senator HAGEL, of S. Res. 98, I sought at that time to express the sense of the Senate regarding the provisions of any future binding, international agreement that would be acceptable to the Senate.

However, almost from the day of that vote, those on both sides of the issue have misrepresented and misconstrued its intent. What was meant as a guide for action has instead been invoked, time and again, as an excuse for inaction. Yet no one has misrepresented and misconstrued S. Res. 98 more so than this present administration. Rather than employing it as a tool to positively influence the international negotiations, the administration used it as cover to simply walk away from the negotiating table.

For the U.S., the issue should no longer be about the Kyoto Protocol. Certainly, everyone in this Chamber knows that the United States will not join the Kyoto Protocol. The rest of the world has come to accept that fact as well. So let us exorcize the specter of the Kyoto Protocol from this debate. The real question is what comes next. How do we arrive at a credible, workable strategy, one compatible with the best interests of the United States and of the other major emitting industrial and developing countries? That must be the question now before us.

We must send a clear signal that we recognize our responsibilities, and we must be prepared to work toward a fair and effective framework for action. We must be bold leaders. We owe this to ourselves; we owe it to the other nations of the world; and we owe it most of all to our children and to future generations.

Technology is a critical component to resolving the climate change challenges in the U.S. and around the world. But let me be clear. Even as the administration has touted technology as the solution, it continues to woefully underfund these very programs. Technology policies by themselves cannot be the silver bullet. Technology policies must be paired with commonsense, market-based solutions to create incentives for innovation and adoption of new and improved technologies that will provide a signal to reduce emissions.

There must be a broader approach. I want to commend Senators MCCAIN and LIEBERMAN for their diligence and hard work to find a middle ground. I want to commend Senator BINGAMAN on his efforts as well. Like them, I believe that we face a problem, and it requires that we craft an economically and environmentally sound solution.

The McCain-Lieberman amendment did not pass in its current form. While I did not vote for their amendment, I want to make it very clear to the administration and to others who just want to say ''no'' that I will work with Senator MCCAIN, Senator LIEBERMAN, and Senator BINGAMAN, and other Republican and Democratic Senators who want to craft a constructive solution.

I have long said that global warming and our energy security are major challenges in the U.S. and around the world. Troubling things are happening in our atmosphere, and we should wake up. I am not alone in this belief. The U.S. cannot bury its head in the sand and hope that these problems will simply go away.

I have insisted on a rational and cost-effective approach for dealing with climate change, both domestically and internationally. I have no doubt that the far right and the far left will oppose any moderate approach on this issue, but it is time to get the right architecture and solid funding in place to make a first step a reality. I am concerned that the McCain-Lieberman approach, in its present form, will negatively impact my State, but that does not mean that we will not be able to find some common ground in the future. I hope that my friends in the energy industry will decide to work with them as well.

Mr. President, we cannot just stand still. I know Senator MCCAIN. He is tenacious, and Senators LIEBERMAN and BINGAMAN are equally tenacious. If 14 Senators in the middle can come together to diffuse the Nuclear Option, then I am certain that a solid center of Senators can find a new path forward to address global climate change and our Nation's energy security needs. I would certainly not support actions that would harm the economy or the people of my State of West Virginia or the United States in general. Yet, I repeat, I believe that there is a middle path forward, and I stand ready to work with those who share that view.

Mr. REID. Mr. President, I rise to speak to a particular section of H.R. 6, the Energy bill that would lead to Nevada and Washington ratepayers being relieved of $480 million in fees under fraudulent contracts entered into with Enron, the defunct energy company.

The largest utility in my State, Nevada Power, had a $326 million contract with Enron for power. The contract was terminated once it became impossible for Enron to hide its financial frauds any longer and instead was forced to declare bankruptcy. Nonetheless, Enron has asserted before the bankruptcy court the right to collect all of the profits it would have made under the contract through so-called ''termination payments.'' Enron has made this claim even though Enron never delivered the power under the

contract, even though Enron had obtained its authority to sell power fraudulently, and even thought Enron was in gross violation of its legal authority to sell power at the very time the contract was entered into.

The energy bill ensures that the proper government agency will determine whether Enron is entitle to more money from Nevada. That agency is the Federal Energy Regulatory Commission, FERC. When FERC was established by Congress, its fundamental mission was, and remains, to protect ratepayers. FERC has specialized expertise required to resolve the issues surrounding some of the contracts that Enron entered into and eventually terminated. The provision is an outgrowth of the Enron criminal conspiracy to rip off ratepayers throughout the West.

Enron is still seeking to extract an additional $326 million in profits from my State's utilities for power that was never delivered. Enron, after all of its market manipulation and financial fraud, is still trying to profit from its wrong-doing at the expense of every Nevadan.

Starting in December 2000, Nevada utilities entered into long-term contracts with Enron to meet a significant portion of their long-term needs. No one was aware of Enron's fraudulent activities to manipulate electricity markets. The prices that Nevada Power agreed to pay were three times as high as the threshold that FERC had established as a ceiling price. In November 2001, Nevada Power asked FERC to review the rate to determine whether those contracts were just and reasonable. Two days after the complaint was filed against Enron, Enron filed for bankruptcy. There is an issue in the bankruptcy case as to whether Enron can enforce contracts that it terminated. The bankruptcy court is responsible for enhancing the bankruptcy estate for the benefit of creditors. FERC, on the other hand, sees a more complete picture which includes protecting the interests of the general public.

This issue is of paramount concern to my constituents. It will decide whether they will be on the hook for more than a hundred million dollars, an amount that when spread out over a relatively small number of ratepayers, would translate into rate increases. It is critical that this issue be decided by the forum with the specialized expertise in matters relating to the sale of electricity with a stated mission of protecting ratepayers, and that is the Federal Energy Regulatory Commission.

I would like to especially thank Senators BINGAMAN, CANTWELL, DOMENICI, and ENSIGN for their assistance on this provision. I thank my colleagues on both sides of the aisle for their support up until this point, and for their continuing support in making sure that this critical measure is included in the legislation that emerges from the conference committee.

I yield the floor.

Mr. CRAIG. Mr. President, I am not aware of any further amendments. Therefore, I ask for a third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. CRAIG. I ask unanimous consent that the vote on passage of the bill occur at 9:45 a.m, on Tuesday, June 28, with paragraph 4 of rule XII waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, before I yield the floor, let me extend a very special thanks to all who have participated in the crafting and the final work product that we now have before us, a national energy policy for our country. A good many have contributed and most assuredly the chairman of the committee, PETE DOMENICI, and the ranking member, Senator BINGAMAN, have done an excellent job, in a very bipartisan way, to bring us to where we are at this moment.

Let me also extend a special thanks to the staff of the committee who have expended extraordinary time and hours to get us to this point. I thank my personal staff for a near 5-year effort, as we have worked over a long period of time to winnow out, shape, and bring before us what I think I can say is a very fine work product.

I am anxious to see its final passage, which will occur on Tuesday, and a conference with the House. I hope we can have this bill on the President's desk sooner, rather than later. The American people deserve a national energy policy that allows this country to get back into the production of energy of all of the types that have been addressed in this legislation.

I thank all of my colleagues for their work effort, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KARL ROVE

Mr. REED. Mr. President, I rise to join many of my colleagues to express my dismay concerning the deplorable comments by Karl Rove that suggest that—indeed states that Democrats did not respond to the attack on this country on 9/11, that they did not join in with other Americans who not only recognized the consequences but came together to work together to attack those who attacked us and to bring to justice those who had callously attacked and killed thousands of Americans. Such a statement is beyond the pale.

Mr. President, 9/11 is a moment in which the Nation was attacked, and we all came together, not as Democrats or Republicans, liberals or conservatives, but as Americans. We all came together.

The record itself clearly undercuts this contention of Mr. Rove. Within days of the attack of 9/11, we passed in this Senate an authorization for the use of military force. The vote was 98 to nothing. Every Republican and every Democratic Senator voting cast his or her vote to give the President of the United States the authority and the power to go forward, seek our enemies, and destroy them.

I can recall going up to Providence, RI, my State capital, that afternoon, and standing with every one of the elected officials in the State, Republican and Democrat, before a crowd of 25,000 people. My message was very simple. The Senate unanimously has authorized the President to seek out and destroy those who attacked us. That is what happened on 9/11. It was not as Mr. Rove tries to distort, to spin some situation in which we did not recognize the consequences or respond to the responsibilities of that dreadful moment.

Mr. Rove suggests that our response was simply to suggest therapy, to understand our attackers. That is a misstatement of the fact. In fact, following that authorization of the use of force, we succeeded in this Senate, acting with virtual unanimity on measure after measure, to give the President and this Nation what we all needed to defend ourselves and to inflict upon our adversaries the justice which they so richly deserved.

We passed the Aviation Transportation Security Act. We passed the fiscal year Intelligence Authorization Act—unanimously, the fiscal year Defense Authorization Act, the fiscal year Defense Appropriations Act, on and on and on, with virtual unanimity.

We did this because we recognized that we are Americans. Today, Mr. Rove seeks to distort this historic record, to suggest we did not come together as Americans, but that there were those who knew the way and took it and those who tried to ignore the reality. That is a gross misstatement of history, of the facts, and he should apologize for it. It is inappropriate that an individual who works in the White House should make such callous and clearly erroneous statements for political effect.

Mr. Rove suggests, in the article I have seen in the newspaper describing his speech, that our response was one of moderation and restraint. Nothing could be further from the truth. Our response was one voice authorizing the President to attack, giving him the tools to carry out the attack. Mr. Rove suggested that conservatives saw 9/11 and said we will defeat our enemies. That is exactly what all Americans said or did. He goes on to suggest that what liberals saw prompted liberals to say: We must understand our enemies.

Again, that is not the reality. I hope Mr. Rove is not suggesting unwittingly that we should go about without respecting and understanding our enemies. He should look back at Sun Tzu,

the Chinese philosopher whose ''Art of War'' speaks to us today as it did centuries ago. As Sun Tzu said:

If you know the enemy and know yourself, you need not fear the results of 100 battles.

In fact, some might suggest we are learning about our enemy too late in Iraq today.

The point I make is this type of attack has no place, it does not conform to history, it undercuts the spirit of that moment, a moment in which every American came together as one people, indeed, as the world responded to us. That unanimity may have lessened over the last several months, but it was there. To view September 11 any other way is a gross distortion. Mr. Rove should apologize for it.

He went on to attack my colleague, the Senator from Illinois, Mr. DURBIN. Senator DURBIN has apologized for his comments, and that apology is appropriate. But to continue to attack this individual does nothing to advance any of the ideals or aspirations or policies that we must be engaged with. What it does is distort a person, someone I have come to know, respect, and admire. Someone who is caring and concerned for people, whose thoughtfulness, whose intense commitment to doing what is appropriate for all Americans, and who is particularly sensitive to the needs of our military forces has impressed me.

Like anyone who has had the privilege of serving and understanding in the U.S. Army or any uniformed service, I had the privilege of commanding paratroopers of the 82nd Airborne Division. We understand the extraordinary courage and bravery and valor of those individuals.

I have been impressed many times with Senator DURBIN's commitment to help those individuals in meaningful ways by providing the equipment they need, by ensuring that our veterans who have served with distinction are not ignored. The attacks on him are without correlation to the person and to the service of this individual.

I hope Mr. Rove would apologize for these remarks and would refrain in the future from distorting the historial record. I don't think that is too much to ask of someone who is in such a position of power in the White House.

At this point, it is sufficient to conclude by saying I hope, indeed, that we can avoid this kind of personalized attack, this gross distortion, which is untrue, misleading, and divides a nation and does not unite it. I hope we move on to substantive policy as we face real problems that face this Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT NOAH HARRIS

Mr. ISAKSON. Mr. President, I rise today to read from an e-mail sent to me in May of this year:

Our presence here is not just about Iraq. It is sending a message to the oppressed peoples of the world that freedom can be a reality. Freedom is the greatest gift that we, the U.S., have been granted, and as such, it is our responsibility to spread it. For it to become a permanent fixture in our future and our children's future, we must give it to all those that desire it.

Mr. President, that is an e-mail to me from 1LT Noah Harris, of Ellijay, GA, from Baghdad, Iraq.

On Saturday of this past week, First Lieutenant Harris died in the service of his country. His e-mail to me expressed democracy and freedom far better than I am capable of doing.

Noah Harris served as an intern in Congressman DEAL's office 2 years ago, which is where I had the occasion to meet him.

When I received his e-mail, I sat down at my desk in my office and wrote him a note thanking him for his service to his country and his fellow man.

This morning, I rise to pay tribute to the life that has been given on behalf of the greater good. Noah Harris was the type of young man who serves without desire for credit or acclaim in Iraq today but on behalf of his country and everything we stand for.

At the age of 23, he embodied the hope of the future. His sacrifice, in fact, ensures that the future for others will be brighter.

He captained his high school football team, was never beaten in the State in wrestling, went to the University of Georgia and captained the cheerleaders at that institution.

He came to Washington to serve as an intern. Shortly after September 11, 2001—struck, as all of us were, by the tragedy of that day—Noah Harris volunteered to serve in the U.S. military and, to the greater good, the people of the world.

On Saturday, at noon of this week, in Ellijay, GA, I and hundreds of other Georgians will pause in the northwest Georgia mountains to pay tribute to the life of Noah Harris.

I am privileged and pleased to stand on the floor of the Senate today in advance of that to acknowledge our thanks, on behalf of this Senate, and all who serve in this Congress, and our President, for the life, the times, the service, and the gift of 1LT Noah Harris.

Mr. CHAMBLISS. Mr. President, I stand before this body tonight with a heavy heart. One of Georgia's best and brightest young soldiers has paid the ultimate sacrifice in the service of his country in the War on Terror. Tonight the people of Ellijay, GA are grieving the loss of one of their bravest sons on the battlefield of freedom.

In our Nation's noble struggle to spread democracy, First Lieutenant Noah Harris gave his life in Baqubah, Iraq.

Noah, a member of the 2nd Battalion, 69th Armor Regiment, 3rd Infantry Division, died of wounds suffered as a result of an explosion near his armored vehicle around midnight, June 17, 2005.

Noah's death came one week before his birthday. Most young men his age would be making plans for a celebration; however, this young hero choose the battlefield instead.

Nearly 24 years old, this brave patriot was eager to serve his country and to spread our message of freedom and democracy to oppressed nations. His tragic and untimely death is a testimony of his passion and dedication to freedom's call.

The only child of Rick and Lucy Harris, Noah was a state champion wrestler and the captain of his high school football team. A natural leader and athlete, Noah took these skills to the University of Georgia where he was the captain of the cheerleading squad.

As a 1999 graduate of Gilmer High School, Noah's gifts were not merely athletic. He was honored as a scholar athlete during the Peach Bowl. These are but a few of the admirable accomplishments and achievements that endeared Noah to all of those with whom he came in contact.

While a student at UGA, Noah was motivated by the attack on our country on September 11th. Noah walked in to the ROTC office immediately after 9/11 asking to serve. Told he was too far along in his studies, Noah persisted until he was allowed to join the ROTC. You see, Noah believed passionately that there were no exemptions from serving in the cost of freedom.

A personal longing to promote liberty and help the Iraqi people who had long suffered under Saddam Hussein were a constant theme in Noah's letters home to his family and friends, but ever humble, Noah shrugged off the gravity of his commitment adopting the simple mantra ''I do what I can'' in response to being called a hero.

Noah believed that a greater good was worth fighting for and recognized the power of leading by example which exemplifies the qualities in each one of our Nation's treasured soldiers.

Noah's vision and passion to achieve a greater good for the people of Iraq is an excellent model for those who come after him to continue the fight against freedom's foes.

Noah aspired to serve in public office, and he was also interested in real estate as a personal career. A passionate advocate for the mission in Iraq, Noah expressed the urgency of the cause

when he was home visiting friends and family during his leave in May.

It is clear that Noah had a caring heart, as his friends recount that he was known to give Beanie Babies to the children in Iraq.

In tribute to Noah, members of the Gilmer County community will assemble at Gilmer High School Friday June 24 at 2 p.m. to distribute yellow ribbons across Gilmer County in preparation for the celebration of Noah's life on Saturday June 25, what would be his 24th birthday.

The ribbons will line highway 52 East in Ellijay to Highway 515, which stretches from the county line to the Ellijay First United Methodist Church, the site of the memorial service.

Another soldier in the vehicle was killed, and the driver was injured severely in the explosion. Noah and his fellow soldiers were transporting two captured insurgents during night operations in the Baquba neighborhood of Buhritz.

Noah's fellow soldier, Corporal William A. Long of Lilburn, GA, also died from injuries sustained in the blast. Three years ago, after talking with his stepfather and stepbrother, who are former members of the military, William joined the Army.

After his enlistment expired, he was very aware that his unit would be deployed to Iraq. His desire to serve our country and free the Iraqi people, however, led him to re-enlist.

A resident of Atlanta for most of his life and a Berkmar High School alumnus, William was well-mannered and well-liked by all. His family describes him as a ''perfectionist'' and ''basketball-lover.''

Ironically, before going to Iraq, William participated in more than 700 funerals as a member of the prestigious ''Old Guard.'' Many of those funerals were held at Arlington National Cemetery, the cemetery where William will be buried.

President Ronald Reagan once said:

> Putting people first has always been America's secret weapon.

That secret weapon drives the American spirit to dream and dare, and take great risks for a greater good. Noah and William represented the true heart of servant leadership. Their desire was to first, serve others, not themselves.

My wife Julianne and I wish to extend our sympathies and our prayers to both Noah's and William's family, friends, and fellow soldiers. Their sacrifice will not be lost or forgotten. May God bless Noah Harris and William Long.

IRAQ

Mr. KENNEDY. Mr. President, this morning in the Armed Services Committee, Secretary Rumsfeld and Generals Myers, Casey, and Abizaid briefed us on the status of the war effort.

Secretary Rumsfeld said, once again, that it is a tough road ahead but that we must persevere and he sees reasons to be hopeful. Secretary Rumsfeld was describing a different war than most persons are concerned about. The war in Iraq they see is one of mistake after mistake after mistake. Whatever our position on the Iraq war, we should all be concerned that the administration has not handled it competently.

Secretary Rumsfeld needs to see what the American people see very clearly: The President does not have a winning strategy in Iraq. Our troops have been asked to do more with less. Our current strategy isn't working and the Congress and the American people know it.

Secretary Rumsfeld insists today that it is false to say the administration is painting a rosy picture. But that is exactly what he continues to do. It is time for Secretary Rumsfeld to take off his rose-colored glasses and admit to the American people and to our men and women in uniform who are paying the price with their lives for its failures that he had no realistic strategy for success.

It is time to level with the American people instead of continuing to paint an optimistic picture that has no basis in reality because of his failed strategy. And it is time for Secretary Rumsfeld to resign.

Despite the elections last January and the formation of a new transitional Iraqi government, many are increasingly concerned that the administration has no effective or realistic plan to stabilize Iraq. It continues to underestimate the strength and the deadly resilience of the Iraqi insurgency and it has failed shamefully to adequately protect our troops. More than 1,700 American service men and women have been killed in Iraq so far and over 13,000 more have been wounded. The families of these courageous soldiers know all too well that the insurgents are not desperate or dead-enders or in their last throes, as administration officials have repeatedly claimed.

Instead, General Casey indicated that the insurgency is around 26,000 strong, an increase over the 5,000 the Pentagon believed were part of the insurgency 1 year ago.

As General Myers said in April, the capacity of the insurgents ''is where they were almost a year ago.'' General Abizaid told the committee today that the overall strength of the insurgency is ''about the same as it was'' 6 months ago. Looking ahead, as General Vines said this week, ''I'm assuming that the insurgency will remain at about its current level.''

In the last 2 months, America has lost an average of three soldiers a day in Iraq, and no end is in sight. As General Myers said on May 12.

> I wouldn't look for results tomorrow . . . One thing we know about insurgencies is that they last from . . . three, four years to nine years.

Because of the war, our military has been stretched to the breaking point.

The Department of Defense has had to activate a stop-loss policy, to prevent service members from leaving the military as soon as they fulfill their commitment.

Nearly 50 percent of the persons serving in the regular Armed Forces have been deployed to Iraq or Afghanistan since December 2001, and nearly 15 percent of them have been deployed more than once.

Thirty six percent of all those serving in the Armed Forces, including in the National Guard and the Reserves, have been deployed to Iraq or Afghanistan of since December of 2001.

The alarm bell about the excessive strain on our forces has been ringing for at least a year and a half. In January 2004, LTG John Riggs said it bluntly:

> I have been in the Army 39 years, and I've never seen the Army as stretched in that 39 years as I have today.

As LTG James Helmley, head of the Army Reserve, warned at the end of 2004, the Army Reserve ''is rapidly degenerating into a 'broken' force'' and is ''in grave danger of being unable to meet other operational requirements.''

These continuing deployments are taking their toll not only on our forces in the field but also on their families here at home. The divorce rate in the active-duty military has increased 40 percent since 2000.

The war in Iraq and the casualties and the strain on families have seriously undermined the Pentagon's ability to attract new recruits and retain members already serving. Both the Regular and Reserve components of the Armed Forces are increasingly unable to meet recruitment goals. MG Michael Rochelle, head of the Army Recruiting Command, stated the problem succinctly in May when he said that this year is ''the toughest recruiting climate ever faced by the all-volunteer Army.''

In March, the Pentagon announced it was raising the maximum age for Army National Guard recruits from 34 to 39, and was also offering generous new health benefits for Guard and Reserve members activated after the September 11 terrorist attacks.

Despite these facts, Secretary Rumsfeld insisted today that we will not have a broken Army as a result of the war.

The severe strain the war is placing on our Armed Forces and on our ability to protect our national security interests in other parts of the world concerns us all.

The Army has been forced to go to all-time new lengths to fill its ranks. In May, it began offering a 15-month active duty enlistment, the shortest enlistment tour in the history of the Army.

To recruit and retain more soldiers, the National Guard has increased its retention bonus from $5,000 to $15,000. The first-time signing bonus has gone up from $6,000 to $10,000. GEN Steven Blum, Chief of the Army National Guard, said:

> Otherwise, the Guard will be broken and not ready the next time it's needed, either here at home or for war.

We all know that these problems of recruiting and retention cannot be fixed through enlistment bonuses, health benefits, and raising the age of service. These are short-term Band-Aids on the much larger problem of the war. Only progress in bringing the war to an honorable conclusion will lead to a long-term solution to the problem which is clearly undermining our ability to respond to crises elsewhere in the world.

Despite claims by the administration of progress, Iraq is far from stable and secure. We have made very little progress on security since sovereignty was transferred to the interim Iraqi Government 1 year ago.

Today, Secretary Rumsfeld insisted we are not stuck in a quagmire in Iraq. He insisted that ''the idea that what's happening over there is a quagmire is so fundamentally inconsistent with the facts.'' What planet is he on? Perhaps he is still living in the ''Mission Accomplished'' world.

By last June, 852 American service members had been killed in action. Today, the number has doubled to more than 1,700.

By last June, 5,000 American service members had been wounded in action. Today, the number has more than doubled, to over 13,000.

DIA Director Admiral Jacoby told the Armed Services Committee in March that:

> the insurgency in Iraq has grown in size and complexity over the past year. Attacks numbered approximately 25 per day one year ago.

Just last week, General Pace said:

> the numbers of attacks country-wide in Iraq each day is about 50 or 60.

A year ago, the United States had 34 coalition partners in Iraq. Nine of those partners have pulled out in the past year. Today, we have just 25. By the end of the year, another five countries that are among the largest contributors of troops are scheduled to pull out.

One year ago, 140,000 American troops were serving in Iraq. Today, we have the same number of troops.

The training of the Iraqi security forces continues to falter. The administration still has not given the American people a straight answer about how many Iraqi security forces are adequately trained and equipped. They continue to overestimate the number of Iraqis actually able to fight. In the words of the General Accounting Office:

> U.S. government agencies do not report reliable data on the extent to which Iraqi security forces are trained and equipped.

In February last year, Secretary Rumsfeld preposterously said:

> We accelerated the training of Iraqi security forces, now more than 200,000 strong.

In fact, the numbers of Iraqis who are adequately trained is far, far lower. As General Meyers conceded a year later, only about 40,000 Iraqi security forces ''can go anywhere and do anything.''

It is still far from clear how many Iraqi forces are actually capable of fighting without American help and assistance.

Our reconstruction effort has faltered as well over the last year—and faltered badly. The misery index in Iraq continues to rise. As of June 15, only $6 billion—one third—of the $18 billion provided by Congress last summer for Iraq reconstruction had been spent.

The Iraqi people desperately need jobs. But we are unable to spend funds quickly, because the security situation is so dire. Of the amount we do spend, it is far from clear how much is actually creating jobs and improving the quality of life. We need greater focus on small projects to create jobs for Iraqis, not huge grants to multinational corporations that create more profits for corporate executives than stability in Iraq.

By the State Department's own accounting, up to 15 percent of reconstruction funding is being used to provide security for the reconstruction. That estimate itself may be too low. A Department of Energy analysis this month says that perhaps 40 percent or more is actually being spent on security, as opposed to actual reconstruction.

These costs have increased—not decreased—over the past year as insurgent attacks have continued to escalate. We are spending ever-increasing amounts of assistance on security to guard against an insurgency that the Vice President insists is in its last throes.

A joint survey by the United Nations Development Program and the Iraqi Government released last month shows Iraq is suffering from high unemployment, widespread poverty, deteriorating infrastructure, and unreliable water, sewage, sanitation, and electricity services—despite its immense oil wealth and access to water.

Estimates of the number of unemployed range between 20 and 50 percent of the population. Every unemployed person is ripe for recruiting by the insurgents, who offer as little as $50 a person for those willing to plant explosives on a highway or shoot a policeman.

Iraq still suffers heavily from severe electricity shortages. According to the Department of Energy assessment, the causes are numerous, ''including sabotage, looting, lack of security for workers, disruptions in fuel supplies . . .''

A year ago, Iraqis had an average of 12 hours of electricity per day. Today, they have just over 10 hours a day.

Almost all of Baghdad's households suffer from an unstable supply. In parts of the city, electricity is turned on for 3 hours and then turned off for 3 hours. As a result, 29 percent rely on private generators for electricity. In areas with high incidences of poverty, many families have no alternative supply to turn to.

Water and sanitation are enormous problems as well. Just this week, water was unavailable in many parts of Baghdad because insurgents blew up the water pipes.

According to the United Nations Development Program, only 54 percent of families in Iraq have safe drinking water, and 80 percent of families in rural areas use unsafe drinking water.

What happened to all of the oil that was supposed to pay for the costs of reconstruction and drive the recovery of Iraq's economy? Last year, the Iraqi Oil Minister said that 642 attacks on the oil system had cost the economy $10 billion. In 2005, pipelines are still under attack, and analysts believe it will be 2 to 3 years before Iraq is able to increase its oil production.

The administration has been consistently wrong about Iraq. They wrongly insisted there was no guerilla war. They repeatedly—and wrongly—called the insurgents dead-enders who are in their last throes. They repeatedly—and wrongly—sent our service men and women on patrol without proper armor, a shortage that continues with the marines even today. When Secretary Rumsfeld was challenged about it by a soldier, to huge applause from the troops, on the Secretary's visit to Iraq last December, he responded:

> You go to war with the army you have. They're not the army you might want or wish to have at a later time.

That response from the troops says it all. Surely, no Secretary of War or Secretary of Defense in our history has ever been so humiliated by his troops or received such a resounding vote of no confidence.

The Secretary's failed strategy has created an impossible situation for our forces. The administration has undermined our national security and undermined our ability to protect our national security interests elsewhere in the world.

Our colleague, Senator HAGEL, summed it up brilliantly when he told U.S. News and World Report last week:

> Things aren't getting better; they're getting worse. The White House is completely disconnected from reality . . . It's like they're just making it up as they go along. The reality is that we're losing in Iraq.

Mr. President, next Tuesday marks the 1-year anniversary of the transfer of sovereignty in Iraq, and to mark the occasion, President Bush will address the Nation.

When he does, all of us hope that he will state a new, more realistic and more effective strategy for the United States to succeed in Iraq.

The war has clearly made America less safe in the world. It has strengthened support for al-Qaida and made it harder to win the real war against terrorism—the war against al-Qaida.

The President needs an effective strategy to accelerate the training of a capable Iraqi security force.

The President needs an effective strategy to rescue the faltering reconstruction effort and create jobs and hope for the Iraqi people, and neutralize the temptation to join the insurgents.

The President needs an effective strategy for serious diplomacy to bring

the international community into Iraq, to support the adoption of a constitution that protects all the people of Iraq.

He needs an effective strategy to repair the damage the war has caused to our reputation in the world and to our military. Our men and women in uniform deserve no less.

We are muddling through day by day, hoping for the best, and fearing the worst. Our men and women in uniform deserve better—and so do the American people.

ASBESTOS

Mr. SPECTER. Mr. President, I have sought recognition to talk briefly about the contents of S. 852 to provide for asbestos reform. This is a subject which has been before the Senate in one way or another for the better part of two decades. I recall my first contact with the issue when then-Senator Gary Hart of Colorado was soliciting members of the Judiciary Committee because of the deep problems of Johns-Mansville.

The Supreme Court of the United States, on a number of occasions, has importuned the Congress to take over the subject because the asbestos cases are flooding the courts and because class actions are inappropriate to address the issue.

The result of the avalanche of asbestos litigation has seen some 77 companies in the United States go into bankruptcy and thousands of people suffering from asbestos-related injuries—mesothelioma, deadly diseases—and unable to collect any compensation because of the fact their employers or those who would be liable for their injuries are in a state of bankruptcy.

Senator HATCH took the lead as chairman of the Judiciary Committee in the 108th Congress in structuring a bill which created a trust fund which has been established at $140 billion to pay asbestos victims. This is a sum of money which has been agreed to by the insurance companies and by the manufacturers and had the imprimatur of the leadership of the Senate.

In the fall of last year, 2004, Senator FRIST and Senator Daschle came to terms as that being a figure which would take care of the needs. The victims have never been totally satisfied with that figure, but it represents a very substantial sum, obviously, and according to the filings of the Goldman Sachs analysis, should be adequate to compensate the victims.

They made a detailed analysis and came to the conclusion that $125 billion was the figure necessary. Then when we removed the smokers, a figure of $7 billion, it came to a net of $118 billion, leaving a substantial cushion between $118 billion on the projection and $140 billion.

When the bill was passed out of the Judiciary Committee in late July of 2003, largely along party lines, the aid of a senior Federal judge was enlisted to serve as a mediator. Chief Judge Edward R. Becker had taken senior status the preceding May and was willing to convene the parties, the so-called stakeholders, in his chambers in Philadelphia in August of 2003. He brought together the insurers, the trial lawyers, the AFL–CIO representing claimants, and the manufacturers, a group of four interest groups who are very powerful in our community.

From those two meetings, there have been a series of approximately 40 conferences in my offices where we have worked through a vast number of problems where I think we have accommodated many of the interests.

In May, the Judiciary Committee voted the bill out of committee on a 13-to-5 vote, with bipartisan support, and during the course of the markup some 70 amendments were agreed to. There are still some outstanding issues, but we have been soliciting cosponsors and have found very substantial interest in the Senate on trying to move through legislation on this important issue. There is no denial that this is a very major national problem. There is no denial that there are many victims of asbestos who are now destitute because the people who were responsible for their damages have gone into bankruptcy. There is no denial that there has been a tremendous drain on the U.S. economy and that if we could solve this issue it would be a bigger boost to the economy than a gigantic tax break or most any other remedy which might be found to stimulate our economy.

There are, obviously, risks in any bill. We have worked through the complexities of a startup procedure where the people who have exigent claims—that is, where they may die within a year—we have an elaborate system of offers and inducements to try to settle those cases within a brief period of time, some 9 months. Obviously, we cannot have a stay of judicial proceedings forever, so there has to be some resort to the courts if we are unable to get the program set up.

Without going into greater detail, we have worked assiduously to try to resolve this issue. We either have it solved or are very close to a solution. We have worked through complex questions on subrogation, complex questions on the Federal Employers Liability Act, and there are still ongoing decisions with a controversy as to how the $90 billion will be divided up among the manufacturers. That essentially is the question that only the manufacturers themselves can guarantee.

Similarly, there are issues as to how the $46 billion will be divided up among the insurers. Candidly, the insurance industry is split on the issue, but we are still working, and I have meetings in the course of the next week to 10 days with people who have outstanding concerns to try to resolve those issues.

When the vote came out of committee, some of those who voted in favor of the bill did so with reservations. We have worked through this, and I think those issues are either resolved or resolvable.

Senator LEAHY and I have worked very closely. It is a bipartisan bill which had the 10 members of the Judiciary Committee on the Republican side voting in favor—to repeat again, subject to some reservations—and three Democrats voting in favor of the bill. Senator LEAHY and I are determined to retain our core provisions, but we are open to suggestions.

It is my hope that this bill will come to the Senate right after the Fourth of July recess. That, of course, is a decision which the majority leader has to make in setting the calendar. There is a momentum in hand where it would be very much in the national interest, for the reasons I stated, to move ahead.

I ask unanimous consent that the text of the Dear Colleague letter sent by Senator LEAHY and myself to Members of the Senate be printed in the RECORD at the conclusion of my presentation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 22, 2005.

DEAR COLLEAGUE: We write to detail the problem our nation now faces with the asbestos crisis and to inform you on the substance of Senate Bill 852, the Fairness in Asbestos Injury Resolution Act of 2005, which was voted out of committee on May 26 with a bipartisan 13–5 majority. We urge you to support this bill, and reiterate our interest in working with you to improve this legislation while preserving its core provisions. This is more detailed than the customary ''Dear Colleague'' letter, but we felt this extensive discussion was necessary because of the complexities of the issues and proposed legislation.

INTRODUCTION

The asbestos issue has been before the Senate Judiciary Committee for more than twenty years, since Senator Gary Hart of Colorado sought the assistance of Judiciary Committee members in enacting federal legislation to address Johns-Manville's asbestos claims.

Since that time: asbestos litigation has overwhelmed both federal and state court systems; 77 companies have gone into bankruptcy, with more on the brink, due to the rising tide of asbestos claims; and thousands of impaired asbestos victims have received pennies on the dollar since many of the companies liable for their exposure have gone into bankruptcy.

Since the 1980's, the number of asbestos defendants has risen from about 300 to more than 8,400, spanning approximately 85 percent of the U.S. economy. As a result, some 60,000 workers lost their jobs. Employees' retirement funds have shrunk by an estimated 25 percent. This is a problem that extends beyond the victims of asbestos disease alone. It has a growing impact on the average American and little question remains that it is a crisis of serious proportions.

THE COURTS ENLIST THE HELP OF CONGRESS

In 1997, the Supreme Court commented for the first time on the growing asbestos problem by stating (in the context of holding that asbestos litigation was not susceptible to class action treatment):

The most objectionable aspects of this asbestos litigation can be briefly summarized: dockets in both federal and state courts continue to grow; long delays are routine; trials

are too long; the same issues are litigated over and over; transaction costs exceed the victims' recovery by nearly two to one; exhaustion of assets threatens and distorts the process; and future claimants may lose altogether. . . .

Given the escalating problem, the Supreme Court has repeatedly called upon Congress to act through national legislation: ''[T]he elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation.'' The current asbestos crisis ''cries out for a legislative solution.'' ''Members of this Court have indicated that Congress should enact legislation to help resolve the asbestos problem. Congress has not responded.'' As recently as 2003, the high court observed that ''this Court has recognized the danger that no compensation will be available for those with severe injuries caused by asbestos . . . It is only a matter of time before inability to pay for real illness comes to pass.''

THE 2005 RAND REPORT

On May 10, 2005, the Rand Corporation issued a report highlighting the problems that many asbestos victims face in today's tort system. In addition to discussing the number of corporate bankruptcies, and other alarming economic consequences of asbestos liability, the report summarized the average disbursements on asbestos payments to claimants for the year 2002, the most recent year available: Asbestos victims filing claims receive an average of forty-two (42) cents for every dollar spent on asbestos litigation; Thirty-one (31¢) cents of every dollar have gone to defense costs; and Twenty-seven (27¢) cents have gone to plaintiffs attorneys and related court cost.

LEGISLATIVE HISTORY LEADING TO S. 852

The current bipartisan bill is the product of years of negotiations, discussion, and compromise. On May 22, 2003, then-Chairman Hatch introduced S. 1125, the Fairness in Asbestos Injury Resolution Act of 2003. He deserves great credit for establishing in that bill a national trust fund with a schedule of payments, analogous to workers' compensation. We have built on that aspect of S. 1125, ever mindful that the primary objective of legislation must be to ensure fair and timely compensation to victims of asbestos disease.

In July 2003, the Judiciary Committee voted out S. 1125, largely along party lines, in an effort to move the legislation forward. However, the bill foundered on unresolved issues. In August, Judge Edward R. Becker, who had recently taken senior status after being Chief Judge of the Third Circuit, and having authored the opinion in the asbestos class action suit which was affirmed by the U.S. Supreme Court, convened a two-day conference in Philadelphia—with manufacturers, labor (AFL–CIO), insurers, and trial lawyers to determine if some common ground could be found. Subsequently, from September 2003 through January 2005, we held 36 stakeholder meetings here, with Judge Becker as a pro bono mediator. These meetings were usually attended by at least 25 stakeholder representatives with as many as 75 representatives attending on some occasions. These stakeholder sessions have included many Senators, as well the staffs of Senators Feinstein, Carper, Cornyn, DeWine, Ben Nelson, Baucus, Biden, Chambliss, Craig, Dodd, Durbin, Feingold, Graham, Grassley, Kennedy, Kohl, Kyl, Landrieu, Levin, Lincoln, Murray, Pryor, Schumer, Sessions, Snowe, Stabenow, and Voinovich.

Over the last few months, in anticipation of bill introduction and during Committee markup, we convened 26 meetings with our Judiciary Committee colleagues to address their concerns with the bill. During these deliberative sessions, we addressed issues including disease categories, award amounts, Fund sunset, and judgments and verdicts pending at the time of enactment.

After hundreds of hours of extensive analysis and deliberation, we found we could accommodate many, if not most, of the myriad issues raised by stakeholders and Senators before formal introduction of S. 852. After introduction, the Judiciary Committee held six markups lasting over a month. During this bipartisan process, and through continuing meetings, we were able to further resolve a number of complex issues, including medical criteria, Fund start-up, insurer allocation, the Equitas hardship issue, and Fund contribution transparency. Indeed, the markup process resulted in the Committee's acceptance of over 70 amendments from Republican and Democratic members. After extensive deliberation, the Committee discharged S. 852 on a solid bipartisan vote of 13–5.

S. 852

We have sought an equitable bill which takes into account, to the maximum extent possible, the concerns of stakeholders and Senators. The bill establishes a privately-funded $140 billion trust fund that compensates asbestos victims through a no-fault system administered by the Department of Labor. S. 852 in no way holds the taxpayer responsible for contributing to the Fund. In fact, during markup, the Committee accepted an amendment that explicitly absolves the federal government from any funding obligations or liabilities with respect to the Fund.

Once established and capitalized through the private contributions from defendant and insurer participants, asbestos victims will simply submit their claims to the fund through an administrative process designed to compensate them quickly. Claimants would be fairly compensated if they meet medical criteria for certain illnesses and if they show past asbestos exposure.

The major features of this bill reflect consensus on core principles, but all are directed to ensuring fair and adequate compensation to the victims of asbestos exposure:

Funding: The size of the fund was a principal issue of contention during the 108th Congress. Last October, Majority Leader Frist and then-Democratic Leader Daschle agreed that the Fund should be set at $140 billion, which has been generally accepted as sufficient to ensure adequate payment to victims and is now embodied in S. 852. The manufacturers and insurers have agreed to pay that sum—a guaranteed amount—into the trust fund.

Removal of the Old Level VII's: Some members raised concerns about compensating the so-called ''exposure only'' Level VII lung cancers, fearing that this disease category would create a ''smokers'' compensation fund. Without sufficient markers to show a stronger causal connection between asbestos exposure and lung cancer, this disease category could have required $7 billion from the Fund. After serious consideration, we removed this disease category from the bill.

No Subrogation: A key issue for to determine compensation for asbestos victims has been workers' compensation subrogation. Allowing for subrogation would permit insurers to impose a lien on Fund awards recovered by claimants. The value of an award to the claimant depends on whether the claimant may have to pay a substantial amount of it to others. To be fair to victims, claimants should be allowed to retain and receive the full value of both their Fund awards and workers' compensation payments.

More Effective Start-Up: Perhaps one of the most difficult issues was how pending claims in the tort system will be treated upon S. 852's enactment. With general agreement that if the fund was not up and running within a reasonable amount of time, some or all pending claims could return to the tort system. The bill as introduced provides for a 9 month stay of claims for exigent cases and a 24 month stay for nonexigent cases. Furthermore, the legislation creates a procedure enabling exigent claimants to receive prompt payment even during the initial startup period authored by Senator Feinstein. Taking into consideration concerns raised by victims, insurers, and defendant participants, Senators Kyl and Feinstein worked through compromise language during the markup process that greatly improves the start-up process.

Sunset: The stakeholders generally agree that if the Fund cannot pay all valid claims, a claimant's right to a jury trial cannot be barred. But such a sunset should not occur before there is an extensive and rigorous ''program review.'' During markup, Senators Kyl and Leahy worked towards refining the sunset procedures by enabling the Administrator to submit recommendations to Congress regarding possible changes to the medical criteria or the funding formula. In the event of a sunset, the bill now allows claimants to bring their lawsuits only in federal court or in a state court in the state in which the plaintiff resides or where the exposure took place.

Attorneys' Fees: Before S. 852 was introduced, and after extensive deliberation with Judiciary Committee members, agreement was reached on a 5% attorneys' fee cap for all monetary awards received by asbestos victims within the Fund. The nature of the claims process justifies this cap, for once the fund is established, recovery is fairly straightforward and there will no longer be a need for substantial and time-consuming attorney involvement. Moreover, fee caps in federal compensation programs are fairly common. We are working on further refinements in the bill to assist claimants in processing their claims through a paralegal program that the Administrator will be authorized to implement.

Level VI Claimants: Members raised concerns about the strength of the causal connection between asbestos exposure and the development of cancer in areas other than the lungs (e.g., colon, stomach, esophageal and laryngeal cancers). To assuage these concerns, the bill commissions an Institute of Medicine study to assess this causal connection, which will come out no later than April 2006. The findings of the study will become binding on the Administrator when compensating asbestos victims for each cancer in this disease category.

Silica Claims: We heard concerns that many asbestos claims might be ''repackaged'' as silica claims in the tort system. We also, however, heard concerns that liability for non-asbestos diseases not be abrogated simply because S. 852 becomes law. The stakeholders agree that this is an asbestos bill, designed to dispose of all asbestos claims, but that workers with genuine silica exposure disease should be able to pursue their claims in the tort system. A hearing was held on this issue on February 2, 2005, which established that exposure to asbestos and silica are easily distinguishable on x-rays and that markings from asbestos and silica disease are rarely found in the same patient. Consequently, the bill requires claimants, prior to pursuing a silica claim in the tort system, to provide rigorous medical evidence establishing that their injury was caused by exposure to silica, and that asbestos exposure was not a significant contributing factor to their injuries.

Medical Screening: Some Committee members were concerned about a medical screening program within the Fund. Although earlier versions of the asbestos bill excluded such a program, we concluded that one was necessary as an offset to the reduced role of a claimant's attorney. It is reasonable to have routine examinations for a discrete population of high-risk workers as a matter of basic fairness. By establishing a program with rigorous standards (such as a provision offered by Senator Coburn requiring service providers to be paid at Medicare rates), as has been done in this bill, unmeritorious claims can be avoided with the fair determination of those entitled to compensation under the statutory standard. This program is vastly different from any screening in the current tort system.

Pending Claims and Settlements: Prior to bill introduction, and as a result of the numerous stakeholder meetings, agreement was reached on how the bill affects pending claims and settlements in the tort system. The bill preserves: (1) cases with a verdict or final order or final judgment entered by a trial court; (2) any civil claim that, on the date of enactment, is in trial before a jury or judge at the presentation of evidence phase; and (3) written settlement agreements, executed prior to date of enactment, between a defendant and a specific named plaintiff, so long as the agreement expressly obligates the defendant to make a future monetary payment to the plaintiff and plaintiff fulfills all conditions of the settlement agreement within 30 days.

CT Scans: Unlike prior iterations of the asbestos bill, S. 852 permits greater use of CT scans. During markup, the Committee accepted an amendment that commissions a study by the Institute of Medicine to evaluate whether CT scans are well accepted and reasonably reliable to diagnose certain lung cancer claims. In addition, after extensive discussions between Senators Leahy and Coburn, the Committee accepted an amendment that calls on the American College of Radiologists to establish guidelines for comparing claimants' CT scans.

Transparency: Several members raised concern over the specific sources of defendant funding. After numerous briefing sessions from claims analysts and financial projection experts, the Committee accepted an amendment which provides that within 60 days after the date of enactment the contributors to the Fund must submit to the Administrator information sufficient to determine their contribution levels. The Administrator must publish this funding allocation information in the Federal Register within 60 days of receipt and before the Fund can be deemed operational.

Asbestos Ban: Despite the known danger involved with asbestos, a number of products and processes still use asbestos today. As Congress considers creating an alternative compensation program to address past exposures to asbestos, it is only sensible that we also prevent future asbestos-related illnesses from occurring by banning asbestos use. Therefore, this bipartisan bill contains a ban on the commercial manufacture, use and distribution of asbestos and asbestos-containing products, originally authored by Senator Murray. This provision was unanimously modified in Committee last month by the adoption of Senator Kyl's amendment to provide narrow exceptions to the ban for national security purposes.

S. 852 has benefited from a thorough process during this Congress. This legislation is complicated, but it is both integrated and comprehensive and reflects a remarkable and widespread will to enact legislation to finally resolve the asbestos crisis. On the state of a 20 year record, the choice we are presented with is not between this bipartisan bill and one that takes a dramatically different approach. The choice is between this bipartisan bill and the continuation of the present chaotic system which leaves thousands of victims suffering from deadly diseases without compensation and scores of companies threatened with bankruptcy.

Sincerely,

ARLEN SPECTER.
PATRICK LEAHY.

STRAW PURCHASES AND THE ILLEGAL GUN MARKET

Mr. LEVIN. Mr. President, a report published last week in the Buffalo News further exposes how reckless gun dealers and the use of ''straw purchasers'' contribute to gun violence in our country. It is important that we recognize their role in adding to our Nation's gun violence problem and work to enact commonsense legislation to keep dangerous firearms out of the hands of violent criminals.

Under current law, when an individual buys a handgun from a licensed dealer, there are Federal requirements for a background check to insure that the purchaser is not an individual who is prohibited by law from purchasing or possessing a firearm. ''Straw purchasers'' serve as middlemen by purchasing firearms with the intent of transferring or selling them to other individuals who may be prohibited by law from purchasing firearms themselves or who may wish to hide the total number of firearms in their possession from Federal authorities. These ''straw purchasers'' help to supply the illegal gun market by allowing the true purchaser to obtain firearms, oftentimes in large quantities, without having to pass a background check. This practice is a felony under Federal law.

As the Buffalo News report points out, individuals using ''straw purchasers'' are often aided by gun dealers who turn a blind eye to the practice. One of the gun show dealers mentioned in the report has been linked to more than 600 guns recovered by New York City police, a semi-automatic rifle used in the 1999 shootings at Columbine High School, and is now prohibited from selling guns in the State of California as a result of a lawsuit brought by several communities there. In addition, reportedly nearly 200 handguns that were illegally resold in Buffalo, NY, were originally sold by the same dealer. Investigations revealed that the handguns were obtained over a 6-month period by a man and several accomplices who made ''straw purchases'' on his behalf. Since records of multiple gun sales must be filed with the Government, the ''straw purchases'' were apparently made to avoid alerting Federal authorities to the illegal reselling of the guns in Buffalo. According to the Buffalo News, the ''straw purchasers'' in this case said that their role was limited to signing and paying for the handguns that the true buyer selected.

Occurrences like those detailed by the Buffalo News are apparently not uncommon and continue to help fuel the illegal gun market in our country. Reckless dealers and ''straw purchasers'' indirectly threaten the security of our communities by facilitating the transfer of dangerous firearms to potential criminals who may use them in violent crimes. Unfortunately, instead of strengthening our gun safety laws as they apply to reckless dealers and ''straw purchasers,'' some of my colleagues are seeking to provide irresponsible gun manufacturers and dealers with immunity from liability, even when their actions contribute to the growth of the illegal gun market. I urge my colleagues to support efforts to help stop guns from falling into the hands of violent criminals.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each day I have come to the floor to highlight a separate hate crime that has occurred in our country.

In Chicago, a bisexual Latina student was threatened by a white male at a local university because of her sexual orientation. Sometime after the incident, the victim was walking outside of her dorm when the same male student followed her into an alley and assaulted her. She was punched and kicked repeatedly in the stomach.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SUPPORT SPLITTING THE NINTH CIRCUIT COURT OF APPEALS

Mr. CRAIG. Mr. President, I rise today to support legislation splitting the Ninth Circuit Court of Appeals. It is high time Congress took this action. For far too long, the Ninth Circuit has been bogged down by an immense caseload, slowing the wheels of justice. Now we have the opportunity to correct a problem that has been in sore need of a solution for decades. The people of the State of Idaho have long requested this action, but it is not only good for Idaho; it is good for the States of the West represented in the Ninth Circuit, and for the Nation as a whole.

Calls for a split in the Ninth Circuit began as early as the 1930s. Support dwindled when the court expanded into Seattle and Portland to alleviate travel concerns and caseload burdens. In 1973, the Hruska Commission expressed concerns with the size of two circuit

courts: the Ninth and the Fifth. Congress compromised in 1978 by expanding the number of judges in both circuits. However, in 1981 the sheer size forced Congress to split the Fifth Circuit in two, forming the Eleventh Circuit and the Fifth Circuit in its current configuration. Interestingly, a 2003 report shows that the Ninth Circuit is, today, almost the same size as the Fifth and Eleventh if they were recombined.

Legislation was introduced in 1989 to split the Ninth into two circuits, creating a new Twelfth Circuit Court of Appeals. A 1990 report advised against the split without first attempting management changes to ease the caseload burden. Again in 1995, the Senate attempted to split the Ninth, and again in 1997.

In 1997 the Commission on Structural Alternatives for the Federal Courts of Appeals, commonly referred to as the White Commission, was formed to determine, among other things, whether there was a need to split the Ninth Circuit Court of Appeals. After hearing testimony, taking written statements, and gathering statistical data, the Commission published its final report in December 1998.

The White Commission report based its decision to oppose a split on the fear that population growth would put other circuits in a position similar to the Ninth, and that continuing to split circuits would eventually lead to an unwieldy kaleidoscope of law. The Commission instead proposed a restructuring within the circuit.

Today, we can see the result of the repeated failure to address Federal circuit court growth. In 1997 there were nearly 52,000 appeals filed in Federal circuit courts. In 2003, there were approximately 60,500. Of that 8,500 increase, 4,000 are in the Ninth Circuit but contrary to the White Commission's fear, the remaining 4,500 case increase is spread over the other 10 circuit courts. With this key Commission conclusion challenged, it is neither prudent nor fair to force Idahoans and other citizens of the West to wait an average of 4.5 months longer than citizens of other districts for their cases to be decided.

Although the 4.5 month wait is a critically important number, there are additional numbers that this Senate should take into consideration when evaluating this issue. For example, the Ninth Circuit has 50 authorized judges, while the average for all other circuits is 20. There are more than 57 million people living within the Ninth Circuit, while the other Circuits average a population of just over 21 million. And probably the most telling statistic: the Ninth Circuit has nearly triple the average number of appeals filed by all other circuits. No wonder it takes the Ninth 4.5 months longer to resolve an appeal.

It is worth noting that over the years, the Ninth Circuit has adopted a variety of management reforms aimed at coping with the circuit's unwieldy size. However, I submit that we have long since reached the point beyond which this crisis can be ''managed'' away. It is a gross disservice to the talented jurists and staff of the Ninth Circuit, and an injustice to the citizens of the States it represents, for this Congress to stand idly by while caseloads and waiting periods only increase, and increase, and increase.

Two versions of corrective legislation are being introduced by Senators MURKOWSKI and ENSIGN, and it is my intention to cosponsor both of these proposals. I pledge to do everything within my power to help enact a workable plan for splitting the Ninth Circuit, and I urge all of our colleagues in the strongest possible terms to support us in this effort.

ADDITIONAL STATEMENTS

HONORING BURLEY TOBACCO GROWERS COOPERATIVE

• Mr. BUNNING. Mr. President, I proudly rise today to recognize the Burley Tobacco Growers Cooperative for their extremely generous contribution of $10 million to Phase II payments for Kentucky tobacco farmers. The people of Kentucky are extremely appreciative of this generous gift.

As you may know, Phase II is the second set of payments from the Master Settlement Agreement. This settlement was made between the major tobacco companies and the elected officials of the tobacco growing States. Phase II money requires $5.15 billion to be contributed by the four companies over a 12 year period. The Phase II money was meant to alleviate some of the financial stress to farmers as quotas were cut.

The Phase II compensations due for 2004, however, were not paid because the tobacco companies requested a refund due to the passage of the tobacco buyout. For Kentucky farmers, this would have been devastating. Fortunately for Kentucky, the Burley Tobacco Growers Cooperative has donated $10 million to be combined with the $114 million raised by the Commonwealth to equal $124 million for payments. This means that 164,000 Kentucky farmers will have Phase II payment checks in their hands by the end of June.

Mr. President, I find the charitable spirit that was so kindly displayed by the Burley Tobacco Growers Cooperative to be exceptional in every way. Kentucky is the only State that has stepped forward to produce Phase II payments, and this is due, in large part, to the generosity of Burley Tobacco Growers Cooperative. I would like to thank President Henry West and all those involved in the cooperative, including the members, for making such a positive impact on Kentucky's tobacco growers. This extraordinary association has helped ensure that the true spirit of the Phase II agreement is upheld.•

MAJOR GENERAL JANET E.A. HICKS

• Mr. CHAMBLISS. Mr. President, I rise today to recognize and commend an outstanding patriot and American, Major General Janet Hicks, the Commanding General of the United States Army Signal Center at Fort Gordon, GA, the first female Chief of the Signal Corps in the history of the Army and the first female Commanding General of the U.S. Army Signal Center at Fort Gordon, GA. General Hicks will be retiring from the Army on July 15, 2005, after a 30 year distinguished military career.

Originally from Iowa, General Hicks was commissioned into the Army's Signal Corps on March 17, 1975, after receiving her bachelor of arts degree in French language and literature from Simpson College in Central Iowa. Her first assignments took her to Korea, then to Hawaii with the 25th ''Tropical Lightning'' Infantry Division, where she served as a platoon leader, division radio signal officer and company commander. Following her attendance at the Advanced Signal Officers Course at Fort Gordon, she joined the faculty and staff there where she taught basic and advanced officer courses. General Hicks was then reassigned to Alaska with the Information Systems Command and the 6th Infantry Division in key leadership positions before joining the staff of the U.S. Central Command at McDill Air Force Base in Tampa, FL.

Recognizing her outstanding leadership qualities, General Hicks was designated for Battalion Command and assigned to command the 125th Signal Battalion, 25th Infantry Division at Schofield Barracks, HI, in June 1992. Following her command there, she was selected to attend the Army's War College before being posted as the Chief of the Army's Signal Branch at Personnel Command in Alexandria, VA. In June 1997 she was promoted to Colonel and assumed command of the 516th Signal Brigade in Hawaii, with concurrent duties as the Deputy Chief of Staff for Information Management, US Army Pacific. In June 2000, she was promoted to Brigadier General and became the Director of Command, Control, Communications and Computer Systems, the J–6 for the United States Pacific Command, covering the joint communications for all of the Pacific Theatre. Major General Hicks assumed command of the United States Army Signal Center and School and Fort Gordon on August 7, 2002.

Throughout her career General Hicks has been decorated with many military and civilian awards and citations. But, completing her military career as the Army's Chief of Signal is truly an awesome responsibility and honor. Since assuming command General Hicks has

improved the training of soldiers, campaigned for better equipment and upgraded the facilities and quality of life for soldiers and their families on Fort Gordon. She also claims that besides her demanding military life, she credits her successes to two wonderful people in her life—her husband Ron and her daughter Jennifer.

Throughout her military career General Hicks has always taken the initiative, faced the challenges and resolved problems. Her leadership style has always impressed her superiors. She has always dealt with people—young soldiers, senior military leaders and civilians with equity, candidness and resolve. She is highly respected by the soldiers of her command, people of the Central Savannah Regional Area and the citizens of Georgia.

I feel that it is most appropriate to recognize this outstanding American for her 30 years of dedicated and honorable service to this Nation as a military leader. I ask that all of my colleagues join me in thanking and commending Major General Hicks, her husband Ron and their daughter Jennifer on the completion of a distinguished military career. We also wish her and her family the best in their well deserved retirement and a happy and prosperous future.●

HONORING HAZEL HANON

● Mr. JOHNSON. Mr. President, it is with great pleasure that I rise today to honor Mrs. Hazel Hanon and the incredible work that she has done over these past 60 years with the Marshall Post No. 3507 Ladies Auxiliary of Britton, SD.

Hazel gained membership to the auxiliary sponsorship of both her husband, Leon, who served in the U.S. Navy during WWII, and her brother, Dempsy, also a WWII veteran and member of the U.S. Air Force. As one of the auxiliary's charter members, save for a short hiatus in her membership, Hazel as been with Marshall Post No. 3507 since is founding in 1945. Despite the auxiliary's declining membership over the past few years, it is clear the organization and Hazel are still wholeheartedly committed to supporting America's brave war heroes.

Over the years the auxiliary has hosted Post Suppers, served banquets, sold poppies, organized bake sales, compiled and sold cookbooks, and even run an annual Turkey Raffle during Thanksgiving, all to raise money for our Nation's veterans. Proceeds from these events are then donated to VA Hospitals or used to buy supplies so the women can bake cookies and cakes and then personally deliver the goodies to veterans in hospitals throughout South Dakota.

Since the post's founding, Hazel has been extremely giving of her time, and her generosity will forever be appreciated. I am pleased that her dedication and patriotism are being publicly recognized, and I am certain that Hazel's achievements and commitment to the auxiliary will serve as inspiration to future generations of passionate and patriotic South Dakotans.

Mr. President, Hazel Hanon is a remarkable person who richly deserves this distinguished recognition. I strongly commend her years of work and dedication, and it is with great honor that I share her impressive accomplishments with my colleagues.●

HONORING GRACE SIERS

● Mr. JOHNSON. Mr. President, it is with great honor that I rise today to publicly commend Grace Siers, charter member of Marshall Post No. 3507 Ladies Auxiliary in Britton, SD, for her many years of devoted service to our Nation's veterans.

Sixty years ago, in 1945, Grace joined the VFW Ladies Auxiliary, and has been an irreplaceable asset to the organization ever since. Grace is part of a long line of military patriots, as she joined the auxiliary under the sponsorship of her husband, William Siers, who served in WWI, as well as her three brothers, Vance, John, and Clarence Hunscher, all veterans of WWII. Not surprisingly, the tradition of serving our country continues with Grace's five sons, Le Roy, Donald, Virgil, Gary, and Robert, and even her grandson and granddaughter, all of whom served in the military. Regrettably, her son, Robert, died while fighting in Vietnam.

Although decades have passed and auxiliary members are no longer as active as they once were, Grace's hard work and dedication over the years enabled the auxiliary to raise thousands of dollars, bring smiles to the faces of countless injured and recovering veterans, and educate innumerable South Dakotans about the importance of supporting America's brave veterans.

In early years, Grace recalls hosting Post Suppers, serving banquets, selling poppies, organizing bake sales, compiling and selling cookbooks, and even manning the post during the annual Turkey Raffle on Thanksgiving, all to raise money for the auxiliary. In turn, the funds were donated to VA hospitals and used to buy supplies so the women could bake cookies and cakes and then personally deliver the goodies to veterans in hospitals throughout South Dakota.

Grace's tremendous contributions to the Britton community set her apart from other outstanding citizens. Her extraordinary service and commitment to Marshall Post No. 3507 Ladies Auxiliary is to be commended. Through Grace's remarkable community involvement and dedication to America's veterans, the lives of countless South Dakotans have been enormously enhanced. Her wonderful example serves as a model for other hardworking and dedicated individuals throughout South Dakota to emulate.

Grace Siers is an extraordinary woman who richly deserves this distinguished recognition. I strongly commend her years of hard work and dedication, and I am very pleased that her substantial efforts are being publicly honored and celebrated. It is with great pleasure that I share her impressive accomplishments with my colleagues.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-DOMINICAN REPUBLIC-CENTRAL AMERICAN FREE TRADE AGREEMENT—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the Dominican Republic-Central America-United States Free Trade Agreement (the ''Agreement''). The Agreement represents an historic development in our relations with Central America and the Dominican Republic and reflects the commitment of the United States to supporting democracy, regional integration, and economic growth and opportunity in a region that has transitioned to peaceful, democratic societies.

In negotiating this Agreement, my Administration was guided by the objectives set out in the Trade Act of 2002. Central America and the Dominican Republic constitute our second largest export market in Latin America and our tenth largest export market in the world. The Agreement will create significant new opportunities for American workers, farmers, ranchers, and businesses by opening new markets and eliminating barriers. United States agricultural exports will obtain better access to the millions of consumers in Central America and the Dominican Republic.

Under the Agreement, tariffs on approximately 80 percent of U.S. exports will be eliminated immediately. The Agreement will help to level the playing field because about 80 percent of Central America's imports already enjoy duty-free access to our market. By providing for the effective enforcement of labor and environmental laws,

combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and high levels of environmental protection in Central America and the Dominican Republic.

By supporting this Agreement, the United States can stand with those in the region who stand for democracy and freedom, who are fighting corruption and crime, and who support the rule of law. A stable, democratic, and growing Central America and Dominican Republic strengthens the United States economically and provides greater security for our citizens.

The Agreement is in our national interest, and I urge the Congress to approve it expeditiously.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 23, 2005*.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE EXTREMIST VIOLENCE IN MACEDONIA AND THE WESTERN BALKANS REGION—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on June 25, 2004, 69 FR 36005.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the Republic of Macedonia, which have also become a concern. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 23, 2005*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2706. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Sole Source Agreements Issued by the Executive Office of the Mayor and Office of the City Administrator Failed to Comply with Procurement Law and Regulations''; to the Committee on Homeland Security and Governmental Affairs.

EC–2707. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the Administration's calendar year 2004 report on category rating; to the Committee on Homeland Security and Governmental Affairs.

EC–2708. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Inspector General's Semi-Annual Report and the Corporation's Report on Final Action; to the Committee on Homeland Security and Governmental Affairs.

EC–2709. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2710. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2711. A communication from the Chairman and the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Board's Semiannual Report of the Inspector General for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2712. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Retirement Coverage of Air Traffic Controllers'' (RIN3206–AK73) received on June 16, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2713. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Long-Term Care Insurance Regulations'' (RIN3206–AJ71) received on June 16, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2714. A communication from the Acting Director, Employee and Family Support Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Program Revision of Contract Cost Principles and Procedures, and Miscellaneous Changes'' (RIN3206–AJ10) received on June 16, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2715. A communication from the Acting Director, Employee and Family Support Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Acquisition Regulation: Large Provider Agreements, Subcontracts, and Miscellaneous Changes'' (RIN3206–AJ20) received on June 16, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2716. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to a Presidential appointment reduction plan; to the Committee on Homeland Security and Governmental Affairs.

EC–2717. A communication from the Senior Procurement Executive, Office of the Chief Acquisition Officers, National Aeronautics and Space Administration, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Circular 2005–04'' (FAC 2005–04), Interim Rule (Item IV–FAR Case 2004–35), and nine Federal Acquisition Regulations: ((RIN9000–AK04, RIN9000–AK03, RIN9000–AJ97, RIN9000–AK17, RIN9000–AK02, RIN9000–AJ79, RIN9000–AJ67, RIN9000–AJ93)(48 CFR Chapter 1)) received on June 16, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2718. A communication from the Secretary of Labor, transmitting, the report of a draft bill entitled ''Unemployment Compensation Program Integrity Act of 2005'' received on June 14, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2719. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's annual report on the fiscal year 2002 operations of the Office of Workers' Compensation Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–2720. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes; to the Committee on Health, Education, Labor, and Pensions.

EC–2721. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's 2005 annual report on the financial status of the railroad unemployment insurance system; to the Committee on Health, Education, Labor, and Pensions.

EC–2722. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005–24 relative to the suspension of limitations under the Jerusalem Embassy Act; to the Committee on Foreign Relations.

EC–2723. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more with Ghana; to the Committee on Foreign Relations.

EC–2724. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualification of

Certain Arrangements as Insurance'' (Notice 2005–49) received on June 21, 2005; to the Committee on Finance.

EC–2725. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Environmental Remediation Costs'' (Rev. Rul. 2005–42) received on June 21, 2005; to the Committee on Finance.

EC–2726. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—July 2005'' (Rev. Rul. 2005–38) received on June 21, 2005; to the Committee on Finance.

EC–2727. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interaction between 280G and 83(b)'' (Rev. Rul. 2005–39) received on June 21, 2005; to the Committee on Finance.

EC–2728. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''One Insured—Disregarded Entities'' (Rev. Rul. 2005–40) received on June 21, 2005; to the Committee on Finance.

EC–2729. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sections 142(a); 142(l)—Brownfields Demonstration Program for Qualified Green Building and Sustainable Design Projects'' (Notice 2005–48) received on June 21, 2005; to the Committee on Finance.

EC–2730. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Rebuilding Plan'' (RIN0648–AP02) received on June 16, 2005 to the Committee on Commerce, Science, and Transportation.

EC–2731. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 40B'' (RIN0648–AS33) received on June 16, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2732. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Digital Television Receiving Capability'' (ET Docket No. 05–24) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2733. A communication from the Assistant Bureau Chief for Management, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulation of International Accounting Rates'' (IB Docket No. 04–226, FCC 05–91) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2734. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of IP-Enabled Services, WC Docket No. 04–36, E911 Requirements for IP-Enabled Service Providers, WC Docket No. 05–196'' (FCC 05–116) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2735. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket Nos. 04–53 and 02–278'' (DA 05–692) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2736. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket Nos. 04–53 and 02–278'' (FCC 04–194) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 335. A bill to reauthorize the Congressional Award Act (Rept. No. 109–87).

By Mr. SHELBY, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2862. A bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–88).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation. Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.

*David A. Sampson, of Texas, to be Deputy Secretary of Commerce.

*John J. Sullivan, of Maryland, to be General Counsel of the Department of Commerce.

*William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology.

*Ashok G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

*Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

*Coast Guard nomination of Radm Sally Brice-O'Hara to be Rear Admiral.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

National Oceanic and Atmospheric Administration nominations beginning with Paul L. Schattgen and ending with David J. Zezula, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 1290. A bill to appropriate $1,975,183,000 for medical care for veterans; to the Committee on Appropriations.

By Mr. MCCAIN:

S. 1291. A bill to provide for the acquisition of subsurface mineral interests in land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe; to the Committee on Indian Affairs.

By Mr. SANTORUM:

S. 1292. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Finance.

By Mr. BUNNING (for himself, Mr. CONRAD, Mr. LOTT, Mr. SMITH, and Mrs. LINCOLN):

S. 1293. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MCCAIN):

S. 1294. A bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN:

S. 1295. A bill to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission; to the Committee on Indian Affairs.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. BURNS, Mr. CRAIG, Mr. CRAPO, Mr. KYL, and Mr. SMITH):

S. 1296. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 1297. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident physicians to ensure the safety of patients and resident-physicians themselves; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. BINGAMAN, and Mr. PRYOR):

S. 1298. A bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23; to the Committee on Finance.

By Ms. CANTWELL:

S. 1299. A bill to encourage partnerships between community colleges and 4-year institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mr. CORNYN):

S. 1300. A bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENSIGN (for himself, Mr. CRAIG, Mr. CRAPO, Mr. CORNYN, Mr. COBURN, and Mr. INHOFE):

S. 1301. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. DEMINT (for himself, Mr. SANTORUM, Mr. GRAHAM, Mr. CRAPO, Mr. COBURN, Mr. SUNUNU, Mr. ISAKSON, Mr. ENZI, Mr. CORNYN, Mr. LOTT, Mr. BROWNBACK, and Mr. CRAIG):

S. 1302. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to stop the Congress from spending Social Security surpluses on other Government programs by dedicating those surpluses to personal accounts that can only be used to pay Social Security benefits; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. REED, Mr. LAUTENBERG, Mr. CORZINE, Mr. SARBANES, and Mr. KERRY):

S. 1303. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2006; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. FEINGOLD, Mrs. BOXER, and Mr. DAYTON):

S. 1304. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 1305. A bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 1306. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. FRIST, and Mr. REID) (by request):

S. 1307. A bill to implement the Dominican Republic-Central America-United States Free Trade Agreement; to the Committee on Finance pursuant to section 2103(b)(3) of Public Law 107–210.

By Mr. BAUCUS:

S. 1308. A bill to establish an Office of Trade Adjustment Assistance, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. COLEMAN, and Mr. WYDEN):

S. 1309. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. Res. 180. A resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. SALAZAR, Mr. CRAIG, Mr. CRAPO, Mr. BURNS, and Mr. FEINGOLD):

S. Res. 181. A resolution recognizing July 1, 2005, as the 100th Anniversary of the Forest Service; considered and agreed to.

ADDITIONAL COSPONSORS

S. 258

At the request of Mr. DEWINE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 258, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 350

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 350, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 721

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 721, a bill to authorize the Secretary of the Army to carry out a program for ecosystem restoration for the Louisiana Coastal Area, Louisiana.

S. 733

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 733, a bill to amend the Outer Continental Shelf Lands Act to provide a domestic offshore energy reinvestment program, and for other purposes.

S. 734

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 734, a bill to provide for agreements between Federal agencies to partner or transfer funds to accomplish erosion goals relating to the coastal area of Louisiana, and for other purposes.

S. 735

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 735, a bill to amend the Submerged Lands Act to make the seaward boundaries of the States of Louisiana, Alabama, and Mississippi equivalent to the seaward boundaries of the State of Texas and the Gulf Coast of Florida.

S. 736

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 736, a bill to amend the Outer Continental Shelf Lands Act to promote uses on the Outer Continental Shelf.

S. 769

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BURNS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 769, a bill to enhance compliance assistance for small businesses.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 852

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 900

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 900, a bill to reinstate the Federal Communications Commission's rules for the description of video programming.

S. 935

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 935, a bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles

and components of the Nation's critical infrastructure.

S. 954

At the request of Mr. DEWINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 954, a bill to amend title 18, United States Code, to prohibit the sale of a firearm to a person who has been convicted of a felony in a foreign court, and for other purposes.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 974

At the request of Mr. ALLARD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 974, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 986

At the request of Mr. NELSON of Nebraska, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 986, a bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes.

S. 1022

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Mississippi (Mr. LOTT), the Senator from Illinois (Mr. OBAMA) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1088

At the request of Mr. KYL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1088, a bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1129

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1145

At the request of Mr. SMITH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1145, a bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1214

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1214, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1227

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1227, a bill to improve quality in health care by providing incentives for adoption of modern information technology.

S.J. RES. 12

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 39

At the request of Mr. KYL, his name was added as a cosponsor of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 134

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Res. 134, a resolution expressing the sense of the Senate regarding the massacre at Srebrenica in July 1995.

AMENDMENT NO. 810

At the request of Mr. SCHUMER, the names of the Senator from Arizona (Mr. KYL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 810 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 813

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 813 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 825

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 825 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 840

At the request of Mr. SMITH, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 840 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 851

At the request of Mr. OBAMA, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 851 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 857

At the request of Mr. BURR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 857 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 865

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 865 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 885

At the request of Ms. CANTWELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of amendment No. 885 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 891

At the request of Mr. SHELBY, his name was added as a cosponsor of

amendment No. 891 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

At the request of Mr. CORNYN, his name was added as a cosponsor of amendment No. 891 proposed to H.R. 6, supra.

AMENDMENT NO. 901

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 901 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 902

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Washington (Ms. CANTWELL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 902 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 925

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 925 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. TALENT) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 925 proposed to H.R. 6, supra.

AMENDMENT NO. 977

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 977 intended to be proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. MCCAIN:

S. 1291. A bill to provide for the acquisition of subsurface mineral interests in land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am pleased to introduce the Pascua Yaqui Mineral Rights Act of 2005 to provide for acquisition of subsurface mineral interests in land owned by the Pascua Yaqui tribe and land held in trust for the Tribe.

The Pascua Yaqui tribe has purchased in fee four parcels of land, totaling approximately 436 acres, from the State of Arizona. These parcels are adjacent to the Tribe's reservation near Tucson, AZ. The Tribe subsequently applied to have these lands taken into trust pursuant to the 25 CFR Part 151 process. The Bureau of Indian Affairs approved the trust application. However, the State of Arizona objected because it still owns the subsurface mineral rights when it conveys its Trust lands. Based on the State of Arizona's objection, the Tribe's trust application was stayed pending resolution of the mineral rights title issue. Arizona law prevents the State from selling these mineral interests and I understand that the only way they can be acquired is through an act of condemnation brought by the United States pursuant to 40 U.S.C. §3113. The State of Arizona has conditionally consented to a condemnation action.

It has since been discovered that an additional 140 acres of the reservation was also former State of Arizona trust land that was purchased in fee by the Tribe and taken into trust without obtaining the mineral estate. The State of Arizona has also conditionally consented to a condemnation action with regard to these additional 140 acres.

In additional to the mineral interests condemnation, this legislation covers another subject. Under 360 acres of the reservation, the United States owns the mineral interests for itself, rather than in trust for the tribe. Although that acreage was originally purchased in fee, it was previously patented by the U.S. and the U.S. retained the mineral interests to that property for its own benefit, currently administered by the Bureau of Land Management. This legislation would authorize the Bureau of Land Management to transfer those mineral interests to the U.S., to be held in trust for the Pascua Yaqui tribe.

The result of the legislation I introduce today would be to allow the United States to obtain and/or consolidate ownership of the mineral interest only, in its name, in trust for the Pascua Yaqui tribe. These mineral interests are under the surface of land already either owned by the Pascua Yaqui tribe, or held in trust for the Tribe by the United States.

Finally, under the terms of its current gaming compact with the State of Arizona, the Tribe has already constructed the maximum number of casinos it can operate on its reservation at this time. This bill will not authorize additional reservation casinos.

I look forward to working with my colleagues to enact this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1291

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pascua Yaqui Mineral Rights Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

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

(2) STATE.—The term ''State'' means the State of Arizona.

(3) TRIBE.—The term ''Tribe'' means the Pascua Yaqui Tribe.

SEC. 3. ACQUISITION OF SUBSURFACE MINERAL INTERESTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Attorney General of the United States and with the consent of the State, shall acquire through eminent domain the following:

(1) All subsurface rights, title, and interests (including subsurface mineral interests) held by the State in the following tribally-owned parcels:

(A) Lot 2, sec. 13, T. 15 S., R. 12 E., Gila and Salt River Meridian, Pima County Arizona.

(B) Lot 4, W½SE¼, sec. 13, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(C) NW¼NW¼, N½NE¼NW¼, SW¼NE¼NW¼, sec. 24, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County Arizona.

(D) Lot 2 and Lots 45 through 76, sec. 19, T. 15 S., R. 13 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(2) All subsurface rights, title, and interests (including subsurface mineral interests) held by the State in the following parcels held in trust for the benefit of Tribe:

(A) Lots 1 through 8, sec. 14, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(B) NE¼SE¼, E½NW¼SE¼, SW¼NW¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼, sec. 14, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(b) CONSIDERATION.—Subject to subsection (c), as consideration for the acquisition of subsurface mineral interests under subsection (a), the Secretary shall pay to the State an amount equal to the market value of the subsurface mineral interests acquired, as determined by—

(1) a mineral assessment that is—

(A) completed by a team of mineral specialists agreed to by the State and the Tribe; and

(B) reviewed and accepted as complete and accurate by a certified review mineral examiner of the Bureau of Land Management;

(2) a negotiation between the State and the Tribe to mutually agree on the price of the subsurface mineral interests; or

(3) if the State and the Tribe cannot mutually agree on a price under paragraph (2), an appraisal report that is—

(A)(i) completed by the State in accordance with subsection (d); and

(ii) reviewed by the Tribe; and

(B) on a request of the Tribe to the Bureau of Indian Affairs, reviewed and accepted as complete and accurate by the Office of the Special Trustee for American Indians of the Department of the Interior.

(c) CONDITIONS OF ACQUISITION.—The Secretary shall acquire subsurface mineral interests under subsection (a) only if—

(1) the payment to the State required under subsection (b) is accepted by the State in full consideration for the subsurface mineral interests acquired;

(2) the acquisition terminates all right, title, and interest of any party other than the United States in and to the acquired subsurface mineral interests; and

(3) the Tribe agrees to fully reimburse the Secretary for costs incurred by the Secretary relating to the acquisition, including payment to the State for the acquisition.

(d) DETERMINATION OF MARKET VALUE.—Notwithstanding any other provision of law, unless the State and the Tribe otherwise agree to the market value of the subsurface mineral interests acquired by the Secretary under this section, the market value of those subsurface mineral interests shall be determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, as published by the Appraisal Institute in 2000, in cooperation with the Department of Justice and the Office of Special Trustee for American Indians of the Department of Interior.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the acquisition of subsurface mineral interests under this section as the Secretary considers to be appropriate to protect the interests of the United States and any valid existing right.

SEC. 4. INTERESTS TAKEN INTO TRUST.

(a) LAND TRANSFERRED.—Subject to subsections (b) and (c), notwithstanding any other provision of law, not later than 180 days after the date on which the Tribe makes the payment described in subsection (c), the Secretary shall take into trust for the benefit of the Tribe the subsurface rights, title, and interests, formerly reserved to the United States, to the following parcels:

(1) E½NE¼, SW¼NE¼, sec. 14, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(2) W½SE¼, SW¼, sec. 24, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(b) EXCEPTIONS.—The parcels taken into trust under subsection (a) shall not include—

(1) NE¼SW¼, sec. 24, except the southerly 4.19 feet thereof;

(2) NW¼SE¼, sec. 24, except the southerly 3.52 feet thereof; or

(3) S½SE¼, sec. 23, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(c) CONSIDERATION AND COSTS.—The Tribe shall pay to the Secretary only the transaction costs relating to the assessment, review, and transfer of the subsurface rights, title, and interests taken into trust under subsection (a).

By Mr. SANTORUM:

S. 1292. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in tele-working; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce legislation that would help people who ''telework'' or work from home, to receive a tax credit. Teleworkers are people who work online from home—whether a few days a week or their entire work schedule—using computers and other information technology tools. Nearly 40 million Americans telework today, and according to experts, 40 percent of the nation's jobs are compatible with telework.

I am introducing the Telework Tax Incentive Act to provide a $500 tax credit for telework. The legislation provides an incentive to encourage more employers to consider telework for their employees. Telework should be a regular part of the 21st century workplace.

The best part of telework is that it improves the quality of life for everyone—both the employee, the employer and the community. Telework reduces traffic congestion and air pollution. It reduces gas consumption and our dependency on foreign oil. Encouraging telework is good for families—giving working parents the flexibility to meet everyday demands. Telework provides people with disabilities greater job opportunities. It can also be a good option for retirees and others who choose to work part-time.

A task force on telework initiated by former Virginia Governor James Gilmore recommended the establishment of a tax credit toward the purchase and installation of electronic and computer equipment that allow an employee to telework. For example, the cost of a computer, fax machine, modem, phone, printer, software, copier, and other expenses necessary to enable telework could count toward a tax credit, provided the person worked at home a minimum number of days per year.

My legislation would provide a $500 tax credit ''for expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework.'' An employee must telework a minimum of 75 days per year to qualify for the tax credit. Both the employer and employee are eligible for the tax credit, but the tax credit goes to whomever absorbs the expense for setting up the at-home worksite.

On October 9, 1999, President Clinton signed into law legislation that I introduced in coordination with Representative FRANK WOLF from Virginia as part of the annual Department of Transportation appropriations bill for Fiscal Year 2000. S. 1521, the National Telecommuting and Air Quality Act, created a pilot program to study the feasibility of providing incentives for companies to allow their employees to telework in five major metropolitan areas including Philadelphia, Washington, D.C., Los Angeles, Houston and Denver.

President Bush signed legislation on July 14, 2000, that included an additional $2 million to continue telework efforts in the 5 pilot cities, including Philadelphia, to market, implement, and evaluate strategies for awarding telecommuting, emissions reduction, and pollution credits established through the National Telecommuting and Air Quality Act. I am excited that Philadelphia continues to use this opportunity to help to get the word out about the benefits of telecommuting for many employees and employers.

Telecommuting improves air quality by reducing pollutants, provides employees and families flexibility, reduces traffic congestion, and increases productivity and retention rates for businesses while reducing their overhead costs. It's a growing opportunity and option which we should all include in our effort to maintain and improve quality of life issues in Pennsylvania and around the Nation. According to statistics available from 1996, the Greater Philadelphia area ranked number 10 in the country for annual person-hours of delay due to traffic congestion. Because of this reality, all options including telecommuting should be pursued to address this challenge.

The 1999 Telework America National Telework Survey, conducted by Joan H. Pratt Associates, found that today's 19.6 million teleworkers typically work 9 days per month at home with an average of 3 hours per week during normal business hours. Teleworkers seek a blend of job-related and personal benefits to enable them to better handle their work and life responsibilities; however these research findings demonstrate the impact on the bottom line for employers as well. Employers may save more than $10,000 per telework employee simply from reduced absenteeism and increased employee retention. Thus an organization with 100 employees, 20 of whom telework, could potentially realize a savings of $200,000 annually, or more, when productivity gains are added.

When I introduced this legislation in the 107th Congress, it was endorsed by a number of groups including including the International Telework Association and Council (ITAC), Covad Communications, National Town Builders Association, Litton Industries, Orbital Sciences Corporation, Consumer Electronic Association, Capnet, BTG Corporation, Electonic Industries Alliance, Telecommunications Industry Association, American Automobile Association Mid-Atlantic, Dimensions International Inc., Capunet, TManage, Science Applications International Corporation, AT&T, Northern Virginia Technology Council, Computer Associates Incorporated, and Dyn Corp.

Work is something you do, not someplace you go. There is nothing magical about strapping ourselves into a car and driving sometimes up to an hour and a half, arriving at a workplace and sitting before a computer, when we can access the same information from a computer in our homes. Wouldn't it be great if we could replace the evening rush hour commute with time spent with the family, coaching little league or volunteering at a local charity?

I urge my colleagues to consider cosponsoring this legislation that promotes telework and helps encourage additional employee choices for the workplace.

By Mr. BUNNING (for himself, Mr. CONRAD, Mr. LOTT, Mr. SMITH, and Mrs. LINCOLN):

S. 1293. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce legislation to allow affiliated life and non-life insurance companies to file consolidated tax returns. The current outdated rules do not allow such consolidation.

Consolidated return provisions under current law were enacted so that the members of an affiliated group of corporations could file a single tax return. The right to file a ''consolidated'' return is generally available to businesses of all natures conducted by the affiliated corporations. The purpose behind consolidated returns is simply to tax a complete business as a whole rather than its component parts individually. Whether an enterprise's businesses are operated as divisions within

one corporation or as subsidiary corporations with a common parent company, a business entity should generally be taxed as a single entity and be allowed to file its return accordingly.

Corporate groups which include life insurance companies are denied the ability to file a single consolidated return until they have been affiliated for at least 5 years. Even after this 5-year period, they are subject to two additional limitations that are not applicable to any other type of group. First, non-life insurance companies must be members of the affiliated group for five years before their losses may be used to offset life insurance company income. Second, non-life insurance affiliate losses, including current year losses and any carryover losses, that may offset life insurance company taxable income are limited to the lesser of 35 percent of life insurance company's taxable income or 35 percent of the non-life insurance company's losses.

There are no clear reasons why affiliated groups that include life insurance companies are denied the same unrestricted ability to file consolidated returns that is available to other financial intermediaries, and corporations in general. Allowing members of an affiliated group of corporations to file a consolidated return prevents the business enterprise's structure from obscuring the fact that the true gain or loss of the business enterprise is the conglomeration of each of the members of the affiliated group. The limitations contained in current law are clearly without policy justification and should be repealed.

Our legislation will repeal the two 5-year limitations for taxable years beginning after this year, and it will phase out the 35 percent limitation over 7 years. The staff of the Joint Committee on Taxation has recommended repeal of two of the three limitations addressed by my bill on the grounds of needless complexity. The third limitation is, in effect, merely a minimum tax on life insurance company income. That limitation should have been repealed when the alternative minimum tax was enacted, and certainly has no place in the current tax laws. I should also note that Congress included in the tax cut vetoed by then-President Clinton in 1999 much of what is contained in this legislation.

I thank Senators CONRAD, LOTT, SMITH and LINCOLN for joining me in sponsoring this legislation. We hope you will join us as cosponsors of this bipartisan, much-needed legislation.

By Mr. LAUTENBERG (for himself and Mr. MCCAIN):

S. 1294. A bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise to introduce the ''Community Broadband Act of 2005.'' I am pleased to be joined in this effort by Senator MCCAIN of Arizona.

This legislation will promote economic development, enhance public safety, increase educational opportunities, and improve the lives of citizens in areas of the country that either do not have access to broadband or live in a location where the cost for broadband is simply not affordable.

A recent study by the Organization for Economic Cooperation and Development shows that the United States has dropped to 12th place worldwide in the percentage of people with broadband connections. Many of the countries ahead of the United States have successfully combined public and private efforts to deploy municipal networks that connect their citizens and businesses with high-speed Internet services.

It is in this context that President Bush has called for universal and affordable broadband in the United States by the year 2007. If we are going to meet President Bush's goals, we must not enact barriers to broadband development and access. Unfortunately, fourteen States have passed legislation to prohibit or significantly restrict the ability of local municipalities and communities to offer high-speed Internet to their citizens. More States are considering such legislation. The ''Community Broadband Act'' is in response to those efforts by States to tell local communities that they cannot establish networks for their citizens even in communities that either have no access to broadband or where access is prohibitively expensive.

The ''Community Broadband Act'' is a simple bill. It says that no State can prohibit a municipality from offering high-speed Internet to its citizens; and when a municipality is a provider, it cannot abuse its governmental authority as regulator to discriminate against private competitors. Furthermore, a municipality must comply with Federal and state telecommunications laws.

Mr. President, this bill will allow communities to make broadband decisions that could: Improve their economy and create jobs by serving as a medium for development, particularly in rural and underserved urban areas; aid public safety and first responders by ensuring access to network services while on the road and in the community; strengthen our country's international competitiveness by giving businesses the means to compete more effectively locally, nationally, and internationally; encourage long-distance education through video conferencing and other means of sharing knowledge and enhancing learning via the Internet; and create incentives for public-private partnerships.

A century ago, there were efforts to prevent local governments from offering electricity. Opponents argued that local governments didn't have the expertise to offer something as complex as electricity. They also argued that businesses would suffer if they faced competition from cities and towns. But local community leaders recognized that their economic survival depended on electrifying their communities. They knew that it would take both private investment and public investment to bring electricity to all Americans.

We face a similar situation today. Municipal networks can play an essential role in making broadband access universal and affordable. We must not put up barriers to this possibility of municipal involvement in broadband deployment.

Some local governments will decide to do this; others will not. Let me be clear this is not going to be the right decision for every municipality. But there are clearly examples of municipalities that need to provide broadband, and those municipalities should have the power to do so.

Today's Wall Street Journal notes the small town of Granbury, TX, population 6,400, that initiated a wireless network after waiting years for private industry to take an interest. In Scottsburg, IN, a city and its 6000 residents north of Louisville, KY, could not get broadband from an incumbent telephone company. When two important businesses threatened to leave unless they could obtain broadband connectivity, municipal officials stepped forward to provide wireless broadband throughout the town. The town retained the two businesses and gained much more. There are many Granburys and Scottsburgs across the country.

There are also underserved urban areas, where private providers may exist, but many in the community simply cannot afford the high prices. Dianah Neff, Philadelphia's chief information officer, knows this all too well. ''The digital divide is local,'' Neff has said, commenting that while 90 percent Philadelphia's affluent neighborhoods have broadband, just 25 percent in low-income areas have broadband. When the city of Philadelphia announced plans for wireless access, it immediately faced opposition and the Pennsylvania legislature passed legislation to counter this municipal power.

Community broadband networks have the potential to create jobs, spur economic development, and bring a 21st century utility to everyone. I hope my colleagues will join Senator MCCAIN and me in our effort to enact the Community Broadband Act of 2005.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1294

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Broadband Act of 2005''.

SEC. 2. COMMUNITY BROADBAND CAPABILITY AND SERVICES.

Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note) is amended—

(1) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) LOCAL GOVERNMENT PROVISION OF ADVANCED TELECOMMUNICATIONS CAPABILITY AND SERVICES.—

''(1) IN GENERAL.—No State statute, regulation, or other State legal requirement may prohibit or have the effect of prohibiting any public provider from providing, to any person or any public or private entity, advanced telecommunications capability or any service that utilizes the advanced telecommunications capability provided by such provider.

''(2) ANTIDISCRIMINATION SAFEGUARDS.—To the extent any public provider regulates competing private providers of advanced telecommunications capability or services, it shall apply its ordinances and rules without discrimination in favor of itself or any advanced telecommunications services provider that it owns.

''(3) SAVINGS CLAUSE.—Nothing in this section shall exempt a public provider from any Federal or State telecommunications law or regulation that applies to all providers of advanced telecommunications capability or services using such advanced telecommunications capability.''; and

(2) by adding at the end of subsection (d), as redesignated, the following:

''(3) PUBLIC PROVIDER.—The term 'public provider' means a State or political subdivision thereof, any agency, authority, or instrumentality of a State or political subdivision thereof, or an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), that provides advanced telecommunications capability, or any service that utilizes such advanced telecommunications capability, to any person or public or private entity.''.

Mr. McCAIN. Mr. President, I am pleased to join in sponsoring the Community Broadband Act of 2005. In the simplest of terms, this bill would ensure that any town, city, or county that wishes to offer high-speed Internet services to its citizens can do so. The bill also would ensure fairness by requiring municipalities that offer high-speed Internet services do so in compliance with all Federal and State telecommunications laws and in a nondiscriminatory manner.

This bill is needed if we are to meet President Bush's call for ''universal, affordable access for broadband technology by the year 2007.'' When President Bush announced this nationwide goal in 2004, the country was ranked 10th in the world for high-speed Internet penetration. Today, the country is ranked 16th. This is unacceptable for a country that should lead the world in technical innovation, economic development, and international competitiveness.

Many of the countries outpacing the United States in the deployment of high-speed Internet services, including Canada, Japan, and South Korea, have successfully combined municipal systems with privately deployed networks to wire their countries. As a country, we cannot afford to cut off any successful strategy if we want to remain internationally competitive.

I recognize that our Nation has a long and successful history of private investment in critical communications infrastructure. That history must be respected, protected, and continued. However, when private industry does not answer the call because of market failures or other obstacles, it is appropriate and even commendable, for the people acting through their local governments to improve their lives by investing in their own future. In many rural towns, the local government's high-speed Internet offering may be its citizens only option to access the World Wide Web.

Despite this situation, a few incumbent providers of traditional telecommunications services have attempted to stop local government deployment of community high speed Internet services. The bill would do nothing to limit their ability to compete. In fact, the bill would provide them an incentive to enter more rural areas and deploy services in partnership with local governments. This partnership will not only reduce the costs to private firms, but also ensure wider deployment of rural services. Additionally, the bill would aid private providers by prohibiting a municipality when acting as both ''regulator'' and ''competitor'' from discriminating against competitors in favor of itself.

Several newspapers have endorsed the concept of allowing municipalities to choose whether to offer high speed Internet services. USA Today rightfully questioned in an editorial, ''Why shouldn't citizens be able to use their own resources to help themselves?'' The Washington Post editorialized that the offering of high speed Internet services by localities is, ''. . . the sort of municipal experiment we hope will spread.'' The San Jose Mercury News stated that a ban on localities ability to offer such services is ''bad for consumers, bad for technology and bad for America's hopes of catching up to other countries in broadband deployment.'' Finally, the Tampa Tribune lectured Federal and State legislators, ''don't prohibit local elected officials from providing a service their communities need.''

My home State of Arizona boasts the largest approved municipal broadband system in the United States, for example. The city of Tempe's wireless system will serve all of the city's 40 square miles and a population of 159,000, including the campus of Arizona State University. Citizens will have Internet access from anywhere at any time, and police, fire, water and traffic services personnel will use the system to enhance their efficiency.

In addition to Tempe, several Native American tribal governments offer high-speed Internet access services to their citizens. This bill would ensure that such offerings could continue to assist Indian country and their ability to connect to the Internet.

Our country faces some real challenges. We need to find ways to use technology to help our citizens better compete. We need to help our businesses capitalize on their ingenuity so that they can become more internationally competitive. That is why we need to do all we can to eliminate barriers to competition and create incentives for the delivery of high-speed Internet services for public suppliers of broadband services, private suppliers of broadband services, and public-private partnerships as well.

I hope my colleagues will join us in sponsoring the Community Broadband Act of 2005.

By Mr. McCAIN:

S. 1295. A bill to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission; to the Committee on Indian Affairs.

Mr. McCAIN. Mr. President, I am pleased to introduce the National Indian Gaming Commission Accountability Act of 2005 to amend provisions of the Indian Gaming Regulatory Act regarding NIGC funding and accountability.

The Indian gaming industry has undergone tremendous growth since the enactment of the Indian Gaming Regulatory Act in 1988. The regulatory responsibilities of the NIGC, the Federal agency responsible for oversight of the industry, has likewise grown. In recent years the NIGC's budgeting needs have consistently exceeded the $8 million statutory cap, necessitating short-term authorizations to exceed the cap to enable it to adequately enforce the Act.

Rather than merely raising the cap on funding, this legislation amends IGRA's equation for funding the NIGC by allowing the funding to adjust in direct proportion to the revenues of the Indian gaming industry, with funding expanding or contracting as the Indian gaming industry grows or recedes. Under that equation—which provides that fees cannot exceed .08 percent of gross gaming revenues—the NIGC's budget for fiscal 2007 would be capped at approximately $14.5 million.

As the agency's needs have grown, so has the scrutiny of the regulated community and affected parties. It is therefore appropriate that the agency's budgetary choices and program plans be subject to transparency. Therefore, this legislation increases not only the agency's funding, but also its accountability by directing that the NIGC be subject to the Government Performance and Results Act (GPRA). As a result, the agency would be required to develop a Strategic Plan, and annual performance plans and performance reports, all of which will provide critical information to the regulated stakeholders.

I look forward to working with my colleagues on both sides of the aisle to enact this timely and balanced legislation. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1295

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Indian Gaming Commission Accountability Act of 2005''.

SEC. 2. COMMISSION ACCOUNTABILITY AND FUNDING.

(a) POWERS OF THE COMMISSION.—Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) is amended by adding at the end the following:

''(d) APPLICATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT.—

''(1) IN GENERAL.—In carrying out any action under this Act, the Commission shall be subject to the Government Performance and Results Act of 1993 (Public Law 1030962; 107 Stat. 285).

''(2) PLANS.—In addition to any plan required under the Government Performance and Results Act of 1993 (Public Law 1030962; 107 Stat. 285), the Commission shall submit a plan to provide technical assistance to tribal gaming operations in accordance with that Act.''.

(b) COMMISSION FUNDING.—Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gross gaming revenues of all gaming operations subject to regulation under this Act.''.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. BURNS, Mr. CRAIG, Mr. CRAPO, Mr. KYL, and Mr. SMITH):

S. 1296. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that my bill, the Ninth Circuit Judgeship and Reorganization Act of 2005, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S, 1296

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ninth Circuit Judgeship and Reorganization Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FORMER NINTH CIRCUIT.—The term ''former ninth circuit'' means the ninth judicial circuit of the United States as in existence on the day before the effective date of this Act.

(2) NEW NINTH CIRCUIT.—The term ''new ninth circuit'' means the ninth judicial circuit of the United States established by the amendment made by section 3(2)(A).

(3) TWELFTH CIRCUIT.—The term ''twelfth circuit'' means the twelfth judicial circuit of the United States established by the amendment made by section 3(2)(B).

SEC. 3. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking ''thirteen'' and inserting ''fourteen''; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... California, Guam, Hawaii, Northern Marianas Islands.'';

and

(B) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.''.

SEC. 4. JUDGESHIPS.

(a) NEW JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 5 additional circuit judges for the new ninth circuit court of appeals, whose official duty station shall be in California. The judges authorized by this paragraph shall not be appointed before January 21, 2006.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the former ninth circuit court of appeals, whose official duty stations shall be in California.

(2) EFFECT OF VACANCIES.—The first 2 vacancies occurring on the new ninth circuit court of appeals 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 5. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... 19'';

and

(2) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... 14''.

SEC. 6. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... Honolulu, San Francisco.'';

and

(2) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... Phoenix, Portland, Missoula.''

SEC. 7. LOCATION OF TWELFTH CIRCUIT HEADQUARTERS.

The offices of the Circuit Executive of the Twelfth Circuit and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.

SEC. 8. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this Act—

(1) is in California, Guam, Hawaii, or the Northern Marianas Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 9. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this Act may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 10. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 8, or

(2) who elects to be assigned under section 9,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 11. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this Act, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this Act had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this Act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this Act, the petition shall be considered by the court of appeals to which it would have been submitted had this Act been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 12. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

''(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

''(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.''.

SEC. 13. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

''(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may in the public interest—

''(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

''(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

''(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

''(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more

district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

''(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

''(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.''.

SEC. 14. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this Act may take such administrative action as may be required to carry out this Act and the amendments made by this Act. Such court shall cease to exist for administrative purposes 2 years after the date of enactment of this Act.

SEC. 15. EFFECTIVE DATE.

Except as provided in section 4(c), this Act and the amendments made by this Act shall take effect 12 months after the date of enactment of this Act.

By Mr. CORZINE (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 1297. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident physicians to ensure the safety of patients and resident-physicians themselves; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to reintroduce my legislation, the Patient and Physician Safety and Protection Act of 2005, to limit medical resident work hours to 80 hours a week and to provide real protections for patients and resident physicians who are negatively affected by excessive work hours. I feel strongly that as Congress begins to consider proposals to reduce medical malpractice premiums and improve quality of care, we must consider the role that excessive work hours play in exacerbating medical liability problems and reducing quality of care.

It is very troubling that hospitals across the Nation are requiring young doctors to work 36 hour shifts and as many as 120 hours a week in order to complete their residency programs. These long hours lead to a deterioration of cognitive function similar to the effects of blood alcohol levels of 0.1 percent. This is a level of cognitive impairment that would make these doctors unsafe to drive—yet these physicians are not only allowed but in fact are required to care for patients and perform procedures on patients under these conditions. In fact, a study by Harvard Medical School researchers published in the October 28, 2004 issue of the New England Journal of Medicine found that medical residents made 35.9 percent more serious medical errors when they worked extended shifts of more than 24 hours.

The Patient and Physician Safety and Protection Act of 2005 will limit medical resident work hours to 80 hours a week. Not 40 hours or 60 hours—80 hours a week. It is hard to argue that this standard is excessively strict. In fact, it is unconscionable that we now have resident physicians, or any physicians for that matter, caring for very sick patients 120 hours a week and 36 hours straight with fewer than 10 hours between shifts. This is an outrageous violation of a patient's right to quality care.

In addition to limiting work hours to 80 hours week, my bill limits the length of any one shift to 24 consecutive hours, while allowing for up to three hours of patient transition time, and limits the length of an emergency room shift to 12 hours. The bill also ensures that residents have at least one out of seven days off and 'on-call' shifts no more often than every third night.

Since I first introduced the Patient and Physician Safety and Protection Act in the 107th Congress, the medical community and the Accreditation Council for Graduate Medical Education, ACGME, specifically have taken critical steps to address the problem of excessive work hours. On July 1, 2003, the ACGME issued resident work-hour guidelines aimed at addressing this important issue. While I commend ACGME leadership for taking the initiative, I remain very concerned that the ACGME's policy lacks the enforcement mechanisms that are essential to ensure compliance with the new work hour rules. The ACGME's only sanction against hospitals that overwork residents or provide inadequate supervision is the threat of lost accreditation of residency programs. Medical residents who have already ''matched'' into a program and invested years there are understandably reluctant to report violations that might result in the closure of their residency. Furthermore, the ACGME usually gives hospital administrators 90–100 days notice before inspecting a residency program. While the ACGME policy establishes more stringent work hours regulations, it fails to create effective enforcement and oversight tools. These rules are meaningless without enforcement mechanisms.

That is why Federal legislation is necessary. The Patient and Physician Safety and Protection Act of 2005 not only recognizes the problem of excessive work hours, but also creates strong enforcement mechanisms. The bill also provides funding support to teaching hospitals to implement new work hour standards. Without enforcement and financial support, efforts to reduce work hours are not likely to be successful.

Finally, my legislation provides meaningful enforcement mechanisms that will protect the identity of resident physicians who file complaints about work hour violations. The ACGME's guidelines do not contain any whistleblower protections for residents that seek to report program violations. Without this important protection, residents will be reluctant to report these violations, which in turn will weaken enforcement.

My legislation also makes compliance with these work hour requirements a condition of Medicare participation. Each year, Congress provides $8 billion to teaching hospitals to train new physicians. While Congress must continue to vigorously support adequate funding so that teaching hospitals are able to carryout this important public service, these hospitals must also make a commitment to ensuring safe work conditions for these physicians and providing the highest quality of care to the patients they treat.

In closing I would like to read a quote from an Orthopedic Surgery Resident from Northern California, which I think illustrates why we need this legislation.

I quote, ''I was operating post-call after being up for over 36 hours and was holding retractors. I literally fell asleep standing up and nearly faceplanted into the wound. My upper arm hit the side of the gurney, and I caught myself before I fell to the floor. I nearly put my face in the open wound, which would have contaminated the entire field and could have resulted in an infection for the patient.''

This is a very serious problem that must be addressed before medical errors like this occur. I hope every member of the Senate will consider this legislation and the potential it has to reduce medical errors, improve patient care, and create a safer working environment for the backbone of our Nation's healthcare system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1297

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient and Physician Safety and Protection Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Federal Government, through the medicare program, pays approximately $8,000,000,000 per year solely to train resident-physicians in the United States, and as a result, has an interest in assuring the safety of patients treated by resident-physicians and the safety of resident-physicians themselves.

(2) Resident-physicians spend as much as 30 to 40 percent of their time performing activities not related to the educational mission of training competent physicians.

(3) The excessive numbers of hours worked by resident-physicians is inherently dangerous for patient care and for the lives of resident-physicians.

(4) The scientific literature has consistently demonstrated that the sleep deprivation of the magnitude seen in residency training programs leads to cognitive impairment.

(5) A substantial body of research indicates that excessive hours worked by resident-physicians lead to higher rates of medical error, motor vehicle accidents, depression, and pregnancy complications.

(6) The medical community has not adequately addressed the issue of excessive resident-physician work hours.

(7) The Federal Government has regulated the work hours of other industries when the safety of employees or the public is at risk.

(8) The Institute of Medicine has found that as many as 98,000 deaths occur annually due to medical errors and has suggested that 1 necessary approach to reducing errors in hospitals is reducing the fatigue of resident-physicians.

SEC. 3. REVISION OF MEDICARE HOSPITAL CONDITIONS OF PARTICIPATION REGARDING WORKING HOURS OF MEDICAL RESIDENTS, INTERNS, AND FELLOWS.

(a) IN GENERAL.—Section 1866 of the Social Security Act (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)(1)—

(A) by striking ''and'' at the end of subparagraph (U);

(B) by striking the period at the end of subparagraph (V) and inserting '', and''; and

(C) by inserting after subparagraph (V) the following new subparagraph:

''(W) in the case of a hospital that uses the services of postgraduate trainees (as defined in subsection (k)(4)), to meet the requirements of subsection (k).''; and

(2) by adding at the end the following new subsection:

''(k)(1)(A) In order that the working conditions and working hours of postgraduate trainees promote the provision of quality medical care in hospitals, as a condition of participation under this title, each hospital shall establish the following limits on working hours for postgraduate trainees:

''(i) Subject to subparagraphs (B) and (C), postgraduate trainees may work no more than a total of 24 hours per shift.

''(ii) Subject to subparagraph (C), postgraduate trainees may work no more than a total of 80 hours per week.

''(iii) Subject to subparagraph (C), postgraduate trainees—

''(I) shall have at least 10 hours between scheduled shifts;

''(II) shall have at least 1 full day out of every 7 days off and 1 full weekend off per month;

''(III) subject to subparagraph (B), who are assigned to patient care responsibilities in an emergency department shall work no more than 12 continuous hours in that department;

''(IV) shall not be scheduled to be on call in the hospital more often than every third night; and

''(V) shall not engage in work outside of the educational program that interferes with the ability of the postgraduate trainee to achieve the goals and objectives of the program or that, in combination with the program working hours, exceeds 80 hours per week.

''(B)(i) Subject to clause (ii), the Secretary shall promulgate such regulations as may be necessary to ensure quality of care is maintained during the transfer of direct patient care from 1 postgraduate trainee to another at the end of each shift.

''(ii) Such regulations shall ensure that, except in the case of individual patient emergencies, the period in which a postgraduate trainee is providing for the transfer of direct patient care (as referred to in clause (i)) does not extend such trainee's shift by more than 3 hours beyond the 24-hour period referred to in subparagraph (A)(i) or the 12-hour period referred to in subparagraph (A)(iii)(III), as the case may be.

''(C) The work hour limitations under subparagraph (A) and requirements of subparagraph (B) shall not apply to a hospital during a state of emergency declared by the Secretary that applies with respect to that hospital.

''(2) The Secretary shall promulgate such regulations as may be necessary to monitor and supervise postgraduate trainees assigned patient care responsibilities as part of an approved medical training program, as well as to assure quality patient care.

''(3) Each hospital shall inform postgraduate trainees of—

''(A) their rights under this subsection, including methods to enforce such rights (including so-called whistle-blower protections); and

''(B) the effects of their acute and chronic sleep deprivation both on themselves and on their patients.

''(4) For purposes of this subsection, the term 'postgraduate trainee' means a postgraduate medical resident, intern, or fellow.''.

(b) DESIGNATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall designate an individual within the Department of Health and Human Services to handle all complaints of violations that arise from a postgraduate trainee (as defined in paragraph (4) of section 1886(k) of the Social Security Act, as added by subsection (a), who reports that the hospital operating the medical residency training program for which the trainee is enrolled is in violation of the requirements of such section.

(2) GRIEVANCE RIGHTS.—A postgraduate trainee may file a complaint with the Secretary concerning a violation of the requirements under such section 1886(k). Such a complaint may be filed anonymously. The Secretary may conduct an investigation and take corrective action with respect to such a violation.

(3) ENFORCEMENT.—

(A) CIVIL MONEY PENALTY ENFORCEMENT.—Subject to subparagraph (B), any hospital that violates the requirements under such section 1886(k) is subject to a civil money penalty not to exceed $100,000 for each medical residency training program operated by the hospital in any 6-month period. The provisions of section 1128A of the Social Security Act (other than subsections (a) and (b)) shall apply to civil money penalties under this paragraph in the same manner as they apply to a penalty or proceeding under section 1128A(a) of such Act.

(B) CORRECTIVE ACTION PLAN.—The Secretary shall establish procedures for providing a hospital that is subject to a civil monetary penalty under subparagraph (A) with an opportunity to avoid such penalty by submitting an appropriate corrective action plan to the Secretary.

(4) DISCLOSURE OF VIOLATIONS AND ANNUAL REPORTS.—The individual designated under paragraph (1) shall—

(A) provide for annual anonymous surveys of postgraduate trainees to determine compliance with the requirements under such section 1886(k) and for the disclosure of the results of such surveys to the public on a medical residency training program specific basis;

(B) based on such surveys, conduct appropriate on-site investigations;

(C) provide for disclosure to the public of violations of and compliance with, on a hospital and medical residency training program specific basis, such requirements; and

(D) make an annual report to Congress on the compliance of hospitals with such requirements, including providing a list of hospitals found to be in violation of such requirements.

(c) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—A hospital covered by the requirements of section 1866(k) of the Social Security Act, as added by subsection (a), shall not penalize, discriminate, or retaliate in any manner against an employee with respect to compensation, terms, conditions, or privileges of employment, who in good faith (as defined in paragraph (2)), individually or in conjunction with another person or persons—

(A) reports a violation or suspected violation of such requirements to a public regulatory agency, a private accreditation body, or management personnel of the hospital;

(B) initiates, cooperates, or otherwise participates in an investigation or proceeding brought by a regulatory agency or private accreditation body concerning matters covered by such requirements;

(C) informs or discusses with other employees, with a representative of the employees, with patients or patient representatives, or with the public, violations or suspected violations of such requirements; or

(D) otherwise avails himself or herself of the rights set forth in such section or this subsection.

(2) GOOD FAITH DEFINED.—For purposes of this subsection, an employee is deemed to act ''in good faith'' if the employee reasonably believes—

(A) that the information reported or disclosed is true; and

(B) that a violation has occurred or may occur.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first July 1 that begins at least 1 year after the date of enactment of this Act.

SEC. 4. ADDITIONAL FUNDING FOR HOSPITAL COSTS.

There are hereby appropriated to the Secretary of Health and Human Services such amounts as may be required to provide for additional payments to hospitals for their reasonable additional, incremental costs incurred in order to comply with the requirements imposed by this Act (and the amendments made by this Act).

Mr. ENSIGN. Mr. President, I come before the Senate today about a very serious issue that is threatening the disbursal of justice in the western United States.

My home State of Nevada, along with eight other States, has been part of an unbelievable population boom over the last several decades. As a result, we face the frustrating challenges of increased traffic congestion, crowded schools, and a shortage of many services. However, there is one consequence of that growth that has reached a critical level because it is delaying and denying justice for too many Americans.

That is the situation with the Court of Appeals for the Ninth Circuit. The largest circuit in the country, it encompasses 20 percent of the entire Nation's population. The Ninth Circuit has the highest cases per jurist ratio. And the trend is not changing. The Circuit is just too large. Each of the States covered by the Ninth Circuit saw population growths over the last decade, and three of the States—Nevada, Idaho, and Arizona—are in the top five in the country for population growth. Something must be done, or the Ninth Circuit will continue to bust at the seams.

That is why I am introducing legislation today that would divide the current Ninth Circuit into 3 new circuits. The new Ninth Circuit would include California, Hawaii, Guam, and the Northern Marianas Islands. The new

Twelfth Circuit would be comprised of Arizona, Nevada, Idaho, and Montana. And the new Thirteenth Circuit would contain Oregon, Washington, and Alaska.

This splitting of the Ninth Circuit is absolutely necessary if the residents of Nevada and the other western states are to have equal access to justice. Right now, citizens living under the Ninth Circuit face incomparable delays and judicial inconsistencies. Recently, the Ninth Circuit had more cases pending for more than one year than all other circuits combined.

And because of the sheer magnitude of the number of judges in the Ninth Circuit, it has become increasingly difficult for judges to track the opinions of the other judges in the circuit. In fact, it happened that on the same day, 2 different 3-judge panels in the Ninth Circuit issued different legal standards to resolve the same issue. Can you imagine the headache this causes for district judges who are supposed to follow the standard set by the Ninth Circuit? It compromises the system of justice that is the cornerstone of our democracy.

As a Nevadan, I am also angered by some of the decisions made by the Ninth Circuit Court. I know how Nevadans feel about issues such as the Pledge of Allegiance. Like me, they were outraged that the phrase ''under God'' was ruled unconstitutional by the Ninth Circuit. This wasn't the only case of the Ninth Circuit misinterpreting the Constitution and our laws. In 1997 alone, the United States Supreme Court overruled 27 out of 28 Ninth Circuit decisions. I wish I could say that was just an ''off' year for the court, but their track record wasn't much better in the 6 years before that.

Rather than continue down this path of judicial destruction, it is time to use a forward looking approach to the access of justice in the western United States. I urge my colleagues to join me in our Constitutional duty to establish courts for the sake of justice in this country. Failure to act will cost the citizens of my state, and many other western states, dearly.

By Mr. DEMINT (for himself, Mr. SANTORUM, Mr. GRAHAM, Mr. CRAPO, Mr. Coburn, Mr. SUNUNU, Mr. ISAKSON, Mr. ENZI, Mr. CORNYN, Mr. LOTT, Mr. BROWNBACK, and Mr. CRAIG).

S. 1302. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to stop the Congress from spending Social Security surpluses on other Government programs by dedicating those surpluses to personal accounts that can only be used to pay Social Security benefits; to the Committee on Finance.

Mr. DEMINT. Mr. President, it's time to stop the raid on Social Security. For over twenty years, Congress has maintained the misguided practice of overcollecting Social Security taxes and spending them on other government programs. Congress has used the Social Security Trust Fund to promote the false notion that Social Security actually saves the money workers pay in, and it is time to end this abusive practice. It is time we start saving these resources in personal accounts that politicians cannot spend.

Money cannot have 2 masters—it either belongs to the government or to individual Americans. The only way to prevent Congress from spending Social Security surpluses is to rebate these funds back to a worker in a personal account with their name on it. The only true lock-box is a personal account.

President Bush has done a good job helping Americans understand the problem. Now it is up to Congress to build consensus around some solutions. Every American and nearly everyone in Congress agree on at least one core principle: Social Security money should only be spent on Social Security. Before we can have an honest debate on long-term solutions, we must restore trust with Americans.

Stopping the raid will strengthen Social Security and is the first step toward long-term reform.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1302

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Stop the Raid on Social Security Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS PROGRAM

Sec. 101. Establishment of the Social Security Personal Retirement Accounts Program.

''PART B—SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS PROGRAM

''Sec. 251. Definitions.
''Sec. 252. Establishment of Program.
''Sec. 253. Participation in Program.
''Sec. 254. Social security personal retirement accounts .
''Sec. 255. Investment of accounts.
''Sec. 256. Distributions of account balance at retirement.
''Sec. 257. Additional rules relating to disposition of account assets.
''Sec. 258. Administration of the program.
Sec. 102. Annual account statements.

TITLE II—TAX TREATMENT

Sec. 201. Tax treatment of social security personal retirement accounts.
Sec. 202. Benefits taxable as Social Security benefits.
''Sec. 2059. Social security personal retirement accounts.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) President Franklin Roosevelt's January 17, 1935, message on Social Security declared that, ''First, the system adopted, except for the money necessary to initiate it, should be self-sustaining in the sense that funds for the payment of insurance benefits should not come from the proceeds of general taxation.''.

(2) Social Security's financial integrity is maintained by requiring that benefit payments do not exceed the program's dedicated tax revenues and the interest earned on the balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund over the long term.

(3) The separation of Social Security from other budget accounts also serves to protect Social Security benefits from competing against other Federal programs for its funding resources.

(4) Comprehensive reforms should be enacted to—

(A) fix Social Security permanently;

(B) ensure that any use of general revenues for the program is temporary; and

(C) provide for the eventual repayment of any revenue transfers from the general fund to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

TITLE I—SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS PROGRAM

SEC. 101. ESTABLISHMENT OF THE SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS PROGRAM.

(a) IN GENERAL.—Title II of the Social Security Act is amended—

(1) by inserting before section 201 the following:

''PART A—INSURANCE BENEFITS'';

and

(2) by adding at the end of such title the following new part:

''PART B—SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS PROGRAM

''DEFINITIONS

''SEC. 251. For purposes of this part—

''(1) PARTICIPATING INDIVIDUAL.—The term 'participating individual' has the meaning provided in section 253(a).

''(2) ACCOUNT ASSETS.—The term 'account assets' means, with respect to a social security personal retirement account, the total amount transferred to such account, increased by earnings credited under this part and reduced by losses and administrative expenses under this part.

''(3) CERTIFIED ACCOUNT MANAGER.—The term 'certified account manager' means a person who is certified under section 258(b).

''(4) BOARD.—The term 'Board' means the Social Security Personal Savings Board established under section 258(a).

''(5) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(6) PROGRAM.—The term 'Program' means the Social Security Personal Retirement Accounts Program established under this part.

''ESTABLISHMENT OF PROGRAM

''SEC. 252. There is hereby established a Social Security Personal Retirement Accounts Program. The Program shall be governed by regulations which shall be prescribed by the Social Security Personal Savings Board. The Board, the Executive Director appointed by the Board, the Commissioner, and the Secretary of the Treasury shall consult with each other in issuing regulations relating to their respective duties under this part. Such regulations shall provide for appropriate exchange of information to assist them in performing their duties under this part.

''PARTICIPATION IN PROGRAM

''SEC. 253. (a) PARTICIPATING INDIVIDUAL.—For purposes of this part, the term 'participating individual' means any individual—

''(1) who is credited under part A with wages paid after December 31, 2005, or self-employment income derived in any taxable year ending after such date,

''(2) who is born on or after January 1, 1950, and

''(3) who has not filed an election to renounce such individual's status as a participating individual under subsection (b).

''(b) RENUNCIATION OF PARTICIPATION.—

''(1) IN GENERAL.—An individual—

''(A) who has not attained retirement age (as defined in section 216(l)(1)), and

''(B) with respect to whom no distribution has been made from amounts credited to the individual's social security personal retirement account,

may elect, in such form and manner as shall be prescribed in regulations of the Board, to renounce such individual's status as a 'participating individual' for purposes of this part. Upon completion of the procedures provided for under paragraph (2), any such individual who has made such an election shall not be treated as a participating individual under this part, effective as if such individual had never been a participating individual. The Board shall provide for immediate notification of such election to the Commissioner of Social Security, the Secretary of the Treasury, and the Executive Director.

''(2) PROCEDURE.—The Board shall prescribe by regulation procedures governing the termination of an individual's status as 'participating individual' pursuant to an election under this subsection. Such procedures shall include—

''(A) prompt closing of the individual's social security personal retirement account established under section 254, and

''(B) prompt transfer to the Federal Old-Age and Survivors Insurance Trust Fund as general receipts of any amount held for investment in such individual's social security personal retirement account.

''(3) IRREVOCABILITY.—An election under this subsection shall be irrevocable.

''SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS

''SEC. 254. (a) ESTABLISHMENT OF ACCOUNTS.—Under regulations which shall be prescribed by the Board in consultation with the Secretary of the Treasury—

''(1) the Board shall establish a social security personal retirement account for each participating individual (for whom a social security personal retirement account has not otherwise been established under this part) upon initial receipt of a transfer under subsection (b) with respect to such participating individual, and

''(2) in any case described in paragraph (2) of section 257(b), the Board shall establish a social security personal retirement account for the divorced spouse referred to in such paragraph (2).

''(b) TRANSFERS TO SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS.—

''(1) IN GENERAL.—Under regulations which shall be prescribed by the Secretary of the Treasury in consultation with the Board, as soon as practicable during the 1-year period after each calendar year, the Secretary of the Treasury shall transfer to each participating individual's social security personal retirement account, from amounts held in the Federal Old-Age and Survivors Insurance Trust Fund, amounts equivalent to the personal retirement account deposit with respect to such participating individual for such calendar year.

''(2) PERSONAL RETIREMENT ACCOUNT DEPOSIT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the personal retirement account deposit for a calendar year with respect to a participating individual is the product derived by multiplying—

''(i) the sum of—

''(I) the total amount of wages paid to the participating individual during such calendar year on which there was imposed a tax under section 3101(a) of the Internal Revenue Code of 1986, and

''(II) the total amount of self-employment income derived by the participating individual during the taxable year ending during such calendar year on which there was imposed a tax under section 1401(a) of the Internal Revenue Code of 1986, by

''(ii) the surplus percentage for such calendar year determined under subparagraph (B),

increased by deemed interest on each amount transferred for such calendar year for the period commencing with July 1 of such calendar year and the ending on the date on which such amount is transferred, computed at an annual rate equal to the average annual rate of return on investments of amounts in the Government Securities Investment Fund for such calendar year and the preceding 2 calendar years (except that, for purposes of the first 3 calendar years for which deemed interest is computed, this sentence shall be applied by substituting 'Federal Old-Age and Survivors Insurance Trust Fund' for 'Government Securities Investment Fund') and decreased by the administrative offset amount determined under subparagraph (D).

''(B) SURPLUS PERCENTAGE.—For purposes of subparagraph (A)(ii), the surplus percentage for a calendar year is the ratio (expressed as a percentage) of—

''(i) the net surplus in the Federal Old-Age and Survivors Insurance Trust Fund for such year, to

''(ii) the sum of—

''(I) the total amount of wages paid to participating individuals during such calendar year under section 3101(a) of the Internal Revenue Code of 1986, and

''(II) the total amount of self-employment income derived during taxable years ending during such calendar year by participating individuals under section 1401(a) of such Code.

''(C) NET TRUST FUND SURPLUS.—For purposes of subparagraph (B), the term 'net surplus' in connection with the Federal Old-Age and Survivors Insurance Trust Fund for a calendar year means the excess, if any, of—

''(i) the sum of—

''(I) the total amounts which are appropriated to such Trust Fund under clauses (3) and (4) of section 201(a) and attributable to such calendar year, and

''(II) the total amounts which are appropriated to such Trust Fund under section 121 of the Social Security Amendments of 1983 and attributable to such calendar year, over

''(ii) the amount estimated by the Commissioner of Social Security to be the total amount to be paid from such Trust Fund during such calendar year for all purposes authorized by section 201 (other than payments of interest on, and repayments of, loans from the Federal Hospital Insurance Trust Fund under section 201(l)(1), but reducing the amount of any transfer to the Railroad Retirement Account by the amount of any transfers into such Trust Fund from such Account).

''(D) ADMINISTRATIVE OFFSET AMOUNT.—For purposes of subparagraph (A), the administrative offset amount determined with respect to a personal retirement account deposit for a calendar year is the amount equal to the product of—

''(i) the amount of such deposit determined for that year without regard to a reduction under this subparagraph; and

''(ii) the administrative cost percentage attributable to the Program determined by the Board for that year (including reasonable administration fees charged by certified account managers under the Program), but in no event to exceed 30 basis points per year of the assets under management).

''(3) TRANSITION RULE.—Notwithstanding paragraph (1), amounts payable to social security personal retirement accounts under paragraph (1) with respect to the first calendar year described in paragraph (1) ending after the date of the enactment of the Stop the Raid on Social Security Act of 2005 shall be paid by the Secretary of the Treasury as soon as practicable after such Secretary determines that the administrative mechanisms necessary to provide for accurate and efficient payment of such amounts have been established.

''(4) TRANSFER OF GENERAL REVENUES TO ENSURE CONTINUED SOLVENCY OF FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—Whenever the Secretary of the Treasury makes a transfer under paragraph (1), the Secretary of the Treasury also shall transfer, to the extent necessary, from amounts otherwise available in the general fund of the Treasury, such amounts as are necessary to maintain a 100 percent ratio of assets of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund to the annual amount required to pay the full amount of benefits payable under part A for each year occurring during the period that begins with the year in which such transfer is made and ends with 2041.

''(c) REQUIREMENTS FOR ACCOUNTS.—The following requirements shall be met with respect to each social security personal retirement account:

''(1) Amounts transferred to the account consist solely of amounts transferred pursuant to this part.

''(2) In accordance with section 255, the account assets are held for purposes of investment under the Program by a certified account manager designated by (or on behalf of) the participating individual for whom such account is established under the Program.

''(3) Disposition of the account assets is made solely in accordance with sections 256 and 257.

''(d) ACCOUNTING OF RECEIPTS AND DISBURSEMENTS UNDER THE PROGRAM.—The Board shall provide by regulation for an accounting system for purposes of this part—

''(1) which shall be maintained by or under the Executive Director,

''(2) which shall provide for crediting of earnings from, and debiting of losses and administrative expenses from, amounts held in social security personal retirement accounts, and

''(3) under which receipts and disbursements under the Program which are attributable to each account are separately accounted for with respect to such account.

''(e) CORRECTION OF ERRONEOUS TRANSFERS.—The Board, in consultation with the Commissioner, shall provide by regulation rules similar to paragraphs (4) through (7) and (9) of section 205(c) and section 205(g) with respect to the correction of erroneous or omitted transfers of amounts to social security personal retirement accounts.

''INVESTMENT OF ACCOUNTS

''SEC. 255. (a) DESIGNATION OF CERTIFIED ACCOUNT MANAGERS.—Under the Program, a certified account manager shall be designated by or on behalf of each participating individual to hold for investment under this section such individual's social security personal retirement account assets.

''(b) PROCEDURE FOR DESIGNATION.—Any designation made under subsection (a) shall

be made in such form and manner as shall be prescribed in regulations prescribed by the Board. Such regulations shall provide for annual selection periods during which participating individuals may make designations pursuant to subsection (a). Designations made pursuant to subsection (a) during any such period shall be irrevocable for the one-year period following such period, except that such regulations shall provide for such interim designations as may be necessitated by the decertification of a certified account manager. Such regulations shall provide for such designations made by the Board on behalf of a participating individual in any case in which a timely designation is not made by the participating individual.

''(c) INVESTMENT.—Any balance held in a participating individual's social security personal retirement account under this part which is not necessary for immediate withdrawal shall be invested on behalf of such participating individual by the certified account manager as follows:

''(1) INVESTMENT IN MARKETABLE GOVERNMENT SECURITIES.—In a representative mix of fixed marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable earlier than 4 years after the date of investment.

''(2) ADDITIONAL AND ALTERNATIVE INVESTMENTS.—Beginning with 2008, in such additional and alternative investment options in broad-based index funds that are similar to the index fund investment options available within the Thrift Savings Fund established under section 8437 of title 5, United States Code, as the Board determines would be prudent sources of retirement income that could yield greater amounts of income than the investment described in paragraph (1) and a participating individual may elect.

''DISTRIBUTIONS OF ACCOUNT BALANCE AT RETIREMENT

''SEC. 256. (a) PART A AND SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNT BENEFITS COMBINED.—Upon the date on which a participating individual becomes entitled to old-age insurance benefits under section 202(a), the Executive Director shall determine the total amount which would (but for this section) be payable as benefits under subsection (a), (b), (c), or (h) of section 202, subsection (e) or (f) of section 202 other than on the basis of disability, or any combination thereof, to any individual who is a participant on the basis of the wages and self-employment income of such individual or any other individual under part A for any month and provide for the following distributions from the individual's social security personal retirement account (in accordance with regulations which shall be prescribed by the Board):

''(1) PART A BENEFIT PROVIDES AT LEAST A POVERTY-LEVEL ANNUAL BENEFIT.—If such total amount would be sufficient to purchase a minimum annuity, the participating individual shall elect to have the Executive Director provide for the distribution of the balance in the participating individual's social security personal retirement account in the form of—

''(A) a lump-sum payment; or

''(B) an annuity which meets the requirements of subsection (b) (other than the requirement that the annuity provides for payments which, on an annual basis, are equal to at least the minimum annuity amount), the terms of which provide for a monthly payment equal to the maximum amount that such account can fund.

''(2) PART A BENEFIT COMBINED WITH ACCOUNT BALANCE PROVIDES AT LEAST A POVERTY-LEVEL BENEFIT.—

''(A) IN GENERAL.—If such total amount when combined with all or a portion of the balance in the participating individual's social security personal retirement account would be sufficient to purchase a minimum annuity, the Executive Director shall, subject to subparagraph (B)—

''(i) use such amount of the balance in a participating individual's social security personal retirement account as is necessary to purchase an annuity which meets the requirements of subsection (b) (other than the requirement that the annuity provides for payments which, on an annual basis, are equal to at least the minimum annuity amount), the terms of which provide for an annual payment that, when combined with the total amount of annual old-age insurance benefits payable to the participating individual, is equal to the annual amount that a minimum annuity would pay to the individual; and

''(ii) provide for the distribution of any remaining balance in the participating individual's social security personal retirement account in the form of a lump-sum payment.

''(B) OPTION FOR INCREASED ANNUITY.—A participating individual may elect to have the Executive Director use the balance of the individual's social security personal retirement account to purchase an annuity which meets the requirements of subsection (b), the terms of which provide for the maximum monthly payment that such account can fund, in lieu of using only a portion of such balance to purchase an annuity which provides a monthly payment equal to the amount described in subparagraph (A)(i).

''(3) DISTRIBUTION IN EVENT OF FAILURE TO OBTAIN AT LEAST A POVERTY-LEVEL BENEFIT.—If such total amount when combined with all of the balance in the participating individual's social security personal retirement account would not be sufficient to purchase a minimum annuity, the participating individual may elect to have the Executive Director—

''(A) distribute the balance in the participating individual's social security personal retirement account in the form of a lump-sum payment; or

''(B) if such balance is sufficient to purchase an annuity which meets the requirements of subsection (b) (other than the requirement that the annuity provides for payments which, on an annual basis, are equal to at least the minimum annuity amount), purchase such an annuity on behalf of the individual.

''(b) MINIMUM ANNUITY DEFINED.—For purposes of this subsection, the term 'minimum annuity' means an annuity that meets the following requirements:

''(1) The annuity starting date (as defined in section 72(c)(4) of the Internal Revenue Code of 1986) commences on the first day of the month beginning after the date of the purchase of the annuity.

''(2) The terms of the annuity provide for a series of substantially equal annual payments, subject to adjustment as provided in subsection (d), payable monthly to the participating individual during the life of the participating individual which are, on an annual basis, equal to at least the minimum annuity amount.

''(c) MINIMUM ANNUITY AMOUNT.—For purposes of this subsection, the term 'minimum annuity amount' means an amount equal to 100 percent of the poverty line for an individual (determined under the poverty guidelines of the Department of Health and Human Services issued under sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981).

''(d) COST OF LIVING ADJUSTMENT.—The terms of any annuity described in subsection (b) shall include provision for increases in the monthly annuity amounts thereunder determined in the same manner and at the same rate as primary insurance amounts are increased under section 215(i).

''(e) ASSUMPTIONS.—The assumptions under subsection (b) include the probability of survival for persons born in the same year as the participating individual (and the spouse, in the case of a joint annuity), future projection of investment earnings based on investment of the account assets, and expected price inflation. Determinations under this subsection shall be made in accordance with regulations which shall be prescribed by the Board, otherwise using generally accepted actuarial assumptions, except that no differentiation shall be made in such assumptions on the basis of sex, race, health status, or other characteristics other than age. Such assumptions may include, for determinations made prior to 2009, an assumed interest rate reflecting investment earnings of the Federal Old-Age and Survivors Insurance Trust Fund.

''(f) OFFSET OF PART A BENEFITS.—Notwithstanding any other provision of this title, in the case of a participating individual to which subsection (a)(1) applies, the total amount of monthly old-age insurance benefits payable as benefits under subsection (a), (b), (c), or (h) of section 202, subsection (e) or (f) of section 202 other than on the basis of disability, or any combination thereof, to such individual determined under subsection (a) shall be reduced so that the amount of such monthly old-age insurance benefits payable to the individual does not exceed the amount equal to the difference between—

''(i) such monthly old-age insurance benefits (determined without regard to a reduction under this subsection); and

''(ii) the ratio of—

''(I) what would have been the monthly annuity payment payable to the individual from an annuity if the individual's personal retirement account balance had earned the rate of return specified in section 254(b)(2)(A); to

''(II) the expected present value of all future potential benefits payable under section 202 on the basis of the wages or self-employment income of the participating individual (determined as of the date the participating individual becomes entitled to old-age benefits under section 202(a)).

''ADDITIONAL RULES RELATING DISPOSITION OF ACCOUNT ASSETS

''SEC. 257. (a) SPLITTING OF ACCOUNT ASSETS UPON DIVORCE AFTER 1 YEAR OF MARRIAGE.—

''(1) IN GENERAL.—Upon the divorce of a participating individual for whom a social security personal retirement account has been established under this part, from a spouse to whom the participating individual had been married for at least 1 year, the Board shall direct the appropriate certified account manager to transfer—

''(A) from the social security personal retirement account of the participating individual,

''(B) to the social security personal retirement account of the divorced spouse,

an amount equal to one-half of the amount of net accruals (including earnings) during the time of the marriage in the social security personal retirement account of the participating individual.

''(2) TREATMENT OF DIVORCED SPOUSE WHO IS NOT A PARTICIPATING INDIVIDUAL.—In the case of a divorced spouse referred to in paragraph (1) who, as of the time of the divorce, is not a participating individual and for whom a social security personal retirement account has not been established—

''(A) the divorced spouse shall be deemed a participating individual for purposes of this part, and

''(B) the Board shall establish a social security personal retirement account for the divorced spouse and shall direct the appropriate certified account manager to perform the such transfer.

''(3) PREEMPTION.—The provisions of this subsection shall supersede any provision of law of any State or political subdivision thereof which is inconsistent with the requirements of this subsection.

''(b) CLOSING OF ACCOUNT UPON THE DEATH OF THE PARTICIPATING INDIVIDUAL.—

''(1) IN GENERAL.—Upon the death of a participating individual, the Executive Director shall close out any remaining balance in the participating individual's social security personal retirement account. In closing out the account, the Executive Director shall certify to the certified account manager the amount of the account assets, and, upon receipt of such certification, the certified account manager shall transfer from such account an amount equal to such certified amount to the Secretary of the Treasury for subsequent transfer to—

''(A) the social security personal retirement account of the surviving spouse of such participating individual,

''(B) if there is no such surviving spouse, to such other person as may be designated by the participating individual in accordance with regulations which shall be prescribed by the Board, or

''(C) if there is no such designated person, to the estate of such participating individual.

''(2) TREATMENT OF SURVIVING SPOUSE WHO IS NOT A PARTICIPATING INDIVIDUAL.—In the case of a surviving spouse referred to in paragraph (1) who, as of the time of the death of the participating individual, is not a participating individual and for whom a social security personal retirement account has not been established—

''(A) the surviving spouse shall be deemed a participating individual for purposes of this part, and

''(B) the Board shall establish a social security personal retirement account for the surviving spouse and shall direct the appropriate certified account manager to perform the such transfer.

''(c) CLOSING OF ACCOUNT OF PARTICIPATING INDIVIDUALS WHO ARE INELIGIBLE FOR BENEFITS UPON ATTAINING RETIREMENT AGE.—In any case in which, as of the date on which a participating individual attains retirement age (as defined in section 216(l)), such individual is not eligible for an old-age insurance benefit under section 202(a), the Commissioner shall so certify to the Executive Director and, upon receipt of such certification, the Executive Director shall close out the participating individual's social security personal retirement account. In closing out the account, the Executive Director shall certify to the certified account manager the amount of the account assets, and upon receipt of such certification from the Executive Director, the account manager shall transfer from such account an amount equal to such certified amount to the Secretary of the Treasury for subsequent transfer to the participating individual.

''(d) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—Under regulations which shall be prescribed by the Board, account assets are available in accordance with section 254(b)(2)(D)(ii) for payment of the reasonable administrative costs of the Program (including reasonable administration fees charged by certified account managers under the Program), but in no event to exceed 30 basis points per year of the assets under management.

''(2) TEMPORARY AUTHORIZATION OF APPROPRIATIONS FOR STARTUP ADMINISTRATIVE COSTS.—For any such administrative costs that remain after applying paragraph (1) for each of the first five fiscal years that end after the date of the enactment of this part, there are authorized to be appropriated such sums as may be necessary for each of such fiscal years.

''ADMINISTRATION OF THE PROGRAM

''SEC. 258. (a) GENERAL PROVISIONS.—

''(1) ESTABLISHMENT AND DUTIES OF THE SOCIAL SECURITY PERSONAL SAVINGS BOARD.—

''(A) ESTABLISHMENT.—There is established within the Social Security Administration a Social Security Personal Savings Board.

''(B) NUMBER AND APPOINTMENT.—The Board shall be composed of 6 members as follows:

''(i) two members appointed by the President who may not be of the same political party;

''(ii) one member appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives;

''(iii) one member appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives;

''(iv) one member appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Finance of the Senate; and

''(v) one member appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

''(C) ADVICE AND CONSENT.—Appointments under this paragraph shall be made by and with the advice and consent of the Senate.

''(D) MEMBERSHIP REQUIREMENTS.—Members of the Board shall have substantial experience, training, and expertise in the management of financial investments and pension benefit plans.

''(E) TERMS.—

''(i) IN GENERAL.—Each member shall be appointed for a term of 4 years, except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of the enactment of this section.

''(ii) TERMS OF INITIAL APPOINTEES.—Of the members first appointed under each clause of subparagraph (B), one of the members appointed under subparagraph (B)(i) (as designated by the President at the time of appointment) and the members appointed under clauses (iii) and (v) of subparagraph (B) shall be appointed for a term of 2 years, and the remaining members shall be appointed for a term of 4 years.

''(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

''(F) POWERS AND DUTIES OF THE BOARD.—

''(i) IN GENERAL.—The Board shall have powers and duties solely as provided in this part. The Board shall prescribe by regulation the terms of the Social Security Personal Retirement Accounts Program established under this part, including policies for investment under the Program of account assets, and policies for the certification and decertification of account managers under the Program, which shall include consideration of the appropriateness of the marketing materials and plans of such person.

''(ii) BUDGETARY REQUIREMENTS.—The Board shall prepare and submit to the President and to the appropriate committees of Congress an annual budget of the expenses and other items relating to the Board which shall be included as a separate item in the budget required to be transmitted to the Congress under section 1105 of title 31, United States Code. The Board shall provide for low administrative costs such that, to the extent practicable, overall administrative costs of the Program do not exceed 30 basis points in relation to assets under management under the Program.

''(iii) ADDITIONAL AUTHORITIES OF THE BOARD.—The Board may—

''(I) adopt, alter, and use a seal;

''(II) establish policies with which the Commissioner shall comply under this part;

''(III) appoint and remove the Executive Director, as provided in paragraph (2); and

''(IV) beginning with 2008, provide for such additional and alternative investment options for participating individuals as the Board determines would be prudent sources of retirement income that would yield greater amounts of retirement income than the investment described in section 255(c)(1).

''(iv) INDEPENDENCE OF CERTIFIED ACCOUNT MANAGERS.—The policies of the Board may not require a certified account manager to invest or to cause to be invested any account assets in a specific asset or to dispose of or cause to be disposed of any specific asset so held.

''(v) MEETINGS OF THE BOARD.—The Board shall meet at the call of the Chairman or upon the request of a quorum of the Board. The Board shall perform the functions and exercise the powers of the Board on a majority vote of a quorum of the Board. Four members of the Board shall constitute a quorum for the transaction of business.

''(vi) COMPENSATION OF BOARD MEMBERS.—

''(I) IN GENERAL.—Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at the daily rate of basic pay for level IV of the Executive Schedule for each day during which such member is engaged in performing a function of the Board. Any member who is such an officer or employee shall not suffer any loss of pay or deduction from annual leave on the basis of any time used by such member in performing such a function.

''(II) TRAVEL, PER DIEM, AND EXPENSES.—A member of the Board shall be paid travel, per diem, and other necessary expenses under subchapter I of chapter 57 of title 5, United States Code, while traveling away from such member's home or regular place of business in the performance of the duties of the Board.

''(vii) STANDARD FOR BOARD'S DISCHARGE OF RESPONSIBILITIES.—The members of the Board shall discharge their responsibilities solely in the interest of participating individuals and the Program.

''(viii) ANNUAL REPORT.—The Board shall submit an annual report to the President, to each House of the Congress, and to the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund regarding the financial and operating condition of the Program.

''(ix) PUBLIC ACCOUNTANT.—

''(I) DEFINITION.—For purposes of this subparagraph, the term 'qualified public accountant' shall have the same meaning as provided in section 103(a)(3)(D) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(D)).

''(II) ENGAGEMENT.—The Executive Director, in consultation with the Board, shall annually engage, on behalf of all individuals for whom a social security personal retirement account is established under this part, an independent qualified public accountant,

who shall conduct an examination of all records maintained in the administration of this part that the public accountant considers necessary.

''(III) DUTIES.—The public accountant conducting an examination under clause (ii) shall determine whether the records referred to in such clause have been maintained in conformity with generally accepted accounting principles. The public accountant shall transmit to the Board a report on his examination.

''(IV) RELIANCE ON CERTIFIED ACTUARIAL MATTERS.—In making a determination under clause (iii), a public accountant may rely on the correctness of any actuarial matter certified by an enrolled actuary if the public accountant states his reliance in the report transmitted to the Board under such clause.

''(2) EXECUTIVE DIRECTOR.—

''(A) APPOINTMENT AND REMOVAL.—The Board shall appoint, without regard to the provisions of law governing appointments in the competitive service, an Executive Director by action agreed to by a majority of the members of the Board. The Executive Director shall have substantial experience, training, and expertise in the management of financial investments and pension benefit plans. The Board may, with the concurrence of 4 members of the Board, remove the Executive Director from office for good cause shown.

''(B) POWERS AND DUTIES OF EXECUTIVE DIRECTOR.—The Executive Director shall—

''(i) carry out the policies established by the Board,

''(ii) administer the provisions of this part in accordance with the policies of the Board,

''(iii) in consultation with the Board, prescribe such regulations (other than regulations relating to fiduciary responsibilities) as may be necessary for the administration of this part, and

''(iv) meet from time to time with the Board upon request of the Board.

''(C) ADMINISTRATIVE AUTHORITIES OF EXECUTIVE DIRECTOR.—The Executive Director may—

''(i) appoint such personnel as may be necessary to carry out the provisions of this part,

''(ii) subject to approval by the Board, procure the services of experts and consultants under section 3109 of title 5, United States Code,

''(iii) secure directly from any agency or instrumentality of the Federal Government any information which, in the judgment of the Executive Director, is necessary to carry out the provisions of this part and the policies of the Board, and which shall be provided by such agency or instrumentality upon the request of the Executive Director,

''(iv) pay the compensation, per diem, and travel expenses of individuals appointed under clauses (i), (ii), and (v) of this subparagraph, subject to such limits as may be established by the Board,

''(v) accept and use the services of individuals employed intermittently in the Government service and reimburse such individuals for travel expenses, as authorized by section 5703 of title 5, United States Code, including per diem as authorized by section 5702 of such title, and

''(vi) except as otherwise expressly prohibited by law or the policies of the Board, delegate any of the Executive Director's functions to such employees under the Board as the Executive Director may designate and authorize such successive redelegations of such functions to such employees under the Board as the Executive Director may consider to be necessary or appropriate.

''(3) ROLE OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner shall—

''(A) prescribe such regulations (supplementary to and consistent with the regulations prescribed by the Board and the Executive Director) as may be necessary for carrying out the duties of the Commissioner under this part,

''(B) meet from time to time with, and provide information to, the Board upon request of the Board regarding matters relating to the Social Security Personal Retirement Accounts Program, and

''(C) in consultation with the Board and utilizing available Federal agencies and resources, develop a campaign to educate workers about the Program.

''(b) CERTIFICATION AND OVERSIGHT OF ACCOUNT MANAGERS.—

''(1) CERTIFICATION BY THE BOARD.—

''(A) IN GENERAL.—Any person that is a qualified professional asset manager (as defined in section 8438(a)(8) of title 5, United States Code) may apply to the Board (in such form and manner as shall be provided by the Board by regulation) for certification under this subsection as a certified account manager. In making certification decisions, the Board shall consider the applicant's general character and fitness, financial history and future earnings prospects, and ability to serve participating individuals under the Program, and such other criteria as the Board deems necessary to carry out this part. Certification of any person under this subsection shall be contingent upon entry into a contractual arrangement between the Board and such person.

''(B) NONDELEGATION REQUIREMENT.—The authority of the Board to make any determination to deny any application under this subsection may not be delegated by the Board.

''(2) OVERSIGHT OF CERTIFIED ACCOUNT MANAGERS.—

''(A) ROLE OF REGULATORY AGENCIES.—The Board may enter into cooperative arrangements with Federal and State regulatory agencies identified by the Board as having jurisdiction over persons eligible for certification under this subsection so as to ensure that the provisions of this part are enforced with respect to certified account managers in a manner consistent with and supportive of the requirements of other provisions of Federal law applicable to them. Such Federal regulatory agencies shall cooperate with the Board to the extent that the Board determines that such cooperation is necessary and appropriate to ensure that the provisions of this part are effectively implemented.

''(B) ACCESS TO RECORDS.—The Board may from time to time require any certified account manager to file such reports as the Board may specify by regulation as necessary for the administration of this part. In prescribing such regulations, the Board shall minimize the regulatory burden imposed upon certified account managers while taking into account the benefit of the information to the Board in carrying out its functions under this part.

''(3) REVOCATION OF CERTIFICATION.—The Board shall provide, in the contractual arrangements entered into under this subsection with each certified account manager, for revocation of such person's status as a certified account manager upon determination by the Board of such person's failure to comply with the requirements of such contractual arrangements. Such arrangements shall include provision for notice and opportunity for review of any such revocation.

''(c) FIDUCIARY RESPONSIBILITIES.—

''(1) IN GENERAL.—Rules similar to the provisions of section 8477 of title 5, United States Code (relating to fiduciary responsibilities; liability and penalties) shall apply in connection with account assets, in accordance with regulations which shall be issued by the Board. The Board shall issue regulations with respect to the investigative authority of appropriate Federal agencies in cases involving account assets.

''(2) EXCULPATORY PROVISIONS VOIDED.—Any provision in an agreement or instrument which purports to relieve a fiduciary from responsibility or liability for any responsibility, obligation, or duty under this part shall be void.

''(d) CIVIL ACTIONS BY BOARD.—If any person fails to meet any requirement of this part or of any contract entered into under this part, the Board may bring a civil action in any district court of the United States within the jurisdiction of which such person's assets are located or in which such person resides or is found, without regard to the amount in controversy, for appropriate relief to redress the violation or enforce the provisions of this part, and process in such an action may be served in any district.

''(e) PREEMPTION OF INCONSISTENT STATE LAW.—A provision of this part shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of this part, except to the extent that such provision of State law is inconsistent with this part, and then only to the extent of the inconsistency.''.

(b) CONFORMING AMENDMENT TO PART A.—Section 202 of such Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

''Adjustments Under Part B

''(z) The amount of benefits under subsection (a), (b), (c), or (h), subsection (e) or (f) other than on the basis of disability, or any combination thereof which are otherwise payable under this part shall be subject to adjustment as provided under section 256(f).''.

(c) ADDITIONAL CONFORMING AMENDMENTS.—(1) Section 701(b) of the Social Security Act (42 U.S.C. 901(b)) is amended by striking ''title II'' and inserting ''part A of title II, the Social Security Personal Retirement Accounts Program under part B of title II,''.

(2) Section 702(a)(4) of the Social Security Act (42 U.S.C. 902(a)(4)) is amended by inserting ''other than those of the Social Security Personal Savings Board'' after ''Administration'', and by striking ''thereof'' and inserting ''of the Administration in connection with the exercise of such powers and the discharge of such duties''.

SEC. 102. ANNUAL ACCOUNT STATEMENTS.

Section 1143 of the Social Security Act (42 U.S.C. 1320b0913) is amended by adding at the end the following new subsection:

''Performance of Social Security Personal Retirement Accounts

''(d) Beginning not later than 1 year after the date of the first deposit is made to an eligible individual's Social Security personal retirement account, each statement provided to such eligible individual under this section shall include information determined by the Social Security Personal Savings Board as sufficient to fully inform such eligible individual annually of the balance, investment performance, and administrative expenses of such account.''.

TITLE II—TAX TREATMENT

SEC. 201. TAX TREATMENT OF SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS.

Section 7701 of the Internal Revenue Code of 1986 (relating to definitions) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) TAX TREATMENT OF SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS.—All social

security personal retirement accounts established under part B of title II of the Social Security Act shall be exempt from taxation under this title.''.

SEC. 202. BENEFITS TAXABLE AS SOCIAL SECURITY BENEFITS.

(a) SPECIAL RULES RELATING TO DISTRIBUTION OF CLOSED ACCOUNT UNDER SECTION 257(D) OF SOCIAL SECURITY ACT.—Section 86(a) of such Code (as amended by paragraph (2)) is amended by adding at the end the following new paragraph:

''(4) EXTENSION OF PARAGRAPH (2)(b) TO DISTRIBUTIONS OF CLOSED ACCOUNT UNDER SECTION 257(d) OF SOCIAL SECURITY ACT.—Notwithstanding any other provision of this subsection, in the case of any amount received pursuant to the closing of an account under section 257(d) of the Social Security Act, paragraph (2)(B) shall apply to such amounts, and for such purposes the amount allocated to the investment in the contract shall be zero.''.

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the end of the calendar year in which this Act is enacted.

(c) ESTATE TAX NOT TO APPLY TO ASSETS OF SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Part IV of subchapter A of chapter 11 of such Code (relating to taxable estate) is amended by adding at the end the following new section:

''SEC. 2059. SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS.

''For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an amount equal to the value of the assets of a social security personal retirement account transferred from such account by the Secretary under section 257 of the Social Security Act.''.

(2) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by adding at the end the following new item:

''Sec. 2059. Social security personal retirement accounts''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to decedents dying in or after the calendar year in which this Act is enacted.

By Mr. ROCKEFELLER (for himself, Mr. REED, Mr. LAUTENBERG, Mr. CORZINE, Mr. SARBANES, and Mr. KERRY):

S. 1303. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2006; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my friends and colleagues—Senators REED, LAUTENBERG, CORZINE, SARBANES, and KERRY—to introduce an important piece of legislation, the MediKids Health Insurance Act of 2005. This legislation will provide health insurance for every child in the United States by 2012, regardless of family income. My long-time friend from California, Congressman STARK, is introducing a companion bill in the House. He has worked tirelessly to improve access to health care for all Americans, and I am pleased to be joining him once again to advocate on behalf of America's children.

We have introduced this legislation in each of the last three Congresses because we know how vital health insurance is to a child. Children with untreated illnesses are less likely to learn and therefore less likely to move out of poverty. Such children have an inherent disadvantage when it comes to being productive members of society. We can have a positive impact on our children's lives today as well as tomorrow by guaranteeing health insurance coverage for all. Children are inexpensive to insure, but the rewards for providing them with health care during their early education and development years are enormous.

Despite the well-documented benefits of providing health insurance coverage for children, there are still over 8 million uninsured children in America. We can and must do better. Our children are our future. No child in this country should ever be without access to health care. This is why I am proud to reintroduce the MediKids Health Insurance Act of 2005.

This legislation is a clear investment in our future—our children. Every child would be automatically enrolled at birth into a new, comprehensive Federal safety net health insurance program beginning in 2007. The benefits would be tailored to meet the needs of children and would be similar to those currently available to children through the Medicaid Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program. Families below 150 percent of poverty would have no premiums or co-payments, and there would be no cost sharing for preventive or well-child visits for any child.

MediKids children would remain enrolled in the program throughout childhood. When families move to another state, Medikids would be available until parents can enroll their children in a new insurance program. Between jobs or during family crises, Medikids would offer extra security and ensure continuous health coverage to our Nation's children. During that critical period when a family is just climbing out of poverty and out of the eligibility range for means-tested assistance programs, MediKids would fill in the gaps until the parents can move into jobs that provide reliable health insurance coverage. The key to our program is that whenever other sources of health insurance fail, MediKids would stand ready to cover the health needs of our next generation. Ultimately, every child in America would be able to grow up with consistent, continuous health insurance coverage.

Like Medicare, MediKids would be independently financed, would cover benefits tailored to the needs of its target population, and would have the goal of achieving nearly 100 percent health insurance coverage for the children of this country—just as Medicare has done for our Nation's seniors and disabled population over its 40-year history. At the time we created Medicare, seniors were more likely to be living in poverty than any other age group. Most were unable to afford needed medical services and unable to find health insurance in the market even if they could afford it. Today, it is our Nation's children who shoulder the burden of poverty. Children in America are nearly twice as vulnerable to poverty as adults. It's time we make a significant investment in the future of America by guaranteeing all children the health coverage they need to make a healthy start in life.

Congress cannot rest on the success we achieved by expanding Medicaid and passing the State Children's Health Insurance Program (CHIP). Although each was a remarkable step toward reducing the ranks of the uninsured, particularly uninsured children, we still have a long way to go. Even with perfect enrollment in CHIP and Medicaid, there would still be a great number of children without health insurance. What's more troubling is the fact that both Medicaid and CHIP are in serious jeopardy because of the budget cuts being proposed by the current Administration.

It's long past time to rekindle the discussion about how we are going to provide health insurance for all Americans. The bill we are introducing today—the MediKids Health Insurance Act of 2005—is a step toward eliminating the irrational and tragic lack of health insurance for so many children and adults in our country. I urge my colleagues to move beyond partisan politics and to support this critical step toward universal coverage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1303

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''MediKids Health Insurance Act of 2005''.

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

Sec. 1. Short title; table of contents; findings
Sec. 2. Benefits for all children born after 2006
''TITLE XXII—MEDIKIDS PROGRAM
''Sec. 2201. Eligibility
''Sec. 2202. Benefits
''Sec. 2203. Premiums
''Sec. 2204. MediKids Trust Fund
''Sec. 2205. Oversight and accountability
''Sec. 2206. Inclusion of care coordination services
''Sec. 2207. Administration and miscellaneous
Sec. 3. MediKids premium
Sec. 4. Refundable credit for cost-sharing expenses under MediKids program
Sec. 5. Report on long-term revenues

(c) FINDINGS.—Congress finds the following:

(1) More than 9 million American children are uninsured.

(2) Children who are uninsured receive less medical care and less preventive care and have a poorer level of health, which result in

lifetime costs to themselves and to the entire American economy.

(3) Although SCHIP and Medicaid are successfully extending a health coverage safety net to a growing portion of the vulnerable low-income population of uninsured children, they alone cannot achieve 100 percent health insurance coverage for our nation's children due to inevitable gaps during outreach and enrollment, fluctuations in eligibility, variations in access to private insurance at all income levels, and variations in States' ability to provide required matching funds.

(4) As all segments of society continue to become more transient, with many changes in employment over the working lifetime of parents, the need for a reliable safety net of health insurance which follows children across State lines, already a major problem for the children of migrant and seasonal farmworkers, will become a major concern for all families in the United States.

(5) The medicare program has successfully evolved over the years to provide a stable, universal source of health insurance for the nation's disabled and those over age 65, and provides a tested model for designing a program to reach out to America's children.

(6) The problem of insuring 100 percent of all American children could be gradually solved by automatically enrolling all children born after December 31, 2006, in a program modeled after Medicare (and to be known as ''MediKids''), and allowing those children to be transferred into other equivalent or better insurance programs, including either private insurance, SCHIP, or Medicaid, if they are eligible to do so, but maintaining the child's default enrollment in MediKids for any times when the child's access to other sources of insurance is lost.

(7) A family's freedom of choice to use other insurers to cover children would not be interfered with in any way, and children eligible for SCHIP and Medicaid would continue to be enrolled in those programs, but the underlying safety net of MediKids would always be available to cover any gaps in insurance due to changes in medical condition, employment, income, or marital status, or other changes affecting a child's access to alternate forms of insurance.

(8) The MediKids program can be administered without impacting the finances or status of the existing Medicare program.

(9) The MediKids benefit package can be tailored to the special needs of children and updated over time.

(10) The financing of the program can be administered without difficulty by a yearly payment of affordable premiums through a family's tax filing (or adjustment of a family's earned income tax credit).

(11) The cost of the program will gradually rise as the number of children using MediKids as the insurer of last resort increases, and a future Congress always can accelerate or slow down the enrollment process as desired, while the societal costs for emergency room usage, lost productivity and work days, and poor health status for the next generation of Americans will decline.

(12) Over time 100 percent of American children will always have basic health insurance, and we can therefore expect a healthier, more equitable, and more productive society.

SEC. 2. BENEFITS FOR ALL CHILDREN BORN AFTER 2006.

(a) IN GENERAL.—The Social Security Act is amended by adding at the end the following new title:

"TITLE XXII—MEDIKIDS PROGRAM

"SEC. 2201. ELIGIBILITY.

''(a) ELIGIBILITY OF INDIVIDUALS BORN AFTER DECEMBER 31, 2006; ALL CHILDREN UNDER 23 YEARS OF AGE IN FIFTH YEAR.—An individual who meets the following requirements with respect to a month is eligible to enroll under this title with respect to such month:

''(1) AGE.—

''(A) FIRST YEAR.—As of the first day of the first year in which this title is effective, the individual has not attained 6 years of age.

''(B) SECOND YEAR.—As of the first day of the second year in which this title is effective, the individual has not attained 11 years of age.

''(C) THIRD YEAR.—As of the first day of the third year in which this title is effective, the individual has not attained 16 years of age.

''(D) FOURTH YEAR.—As of the first day of the fourth year in which this title is effective, the individual has not attained 21 years of age.

''(E) FIFTH AND SUBSEQUENT YEARS.—As of the first day of the fifth year in which this title is effective and each subsequent year, the individual has not attained 23 years of age.

''(2) CITIZENSHIP.—The individual is a citizen or national of the United States or is permanently residing in the United States under color of law.

''(b) ENROLLMENT PROCESS.—An individual may enroll in the program established under this title only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

''(1) individuals who are born in the United States after December 31, 2006, are deemed to be enrolled at the time of birth and a parent or guardian of such an individual is permitted to pre-enroll in the month prior to the expected month of birth;

''(2) individuals who are born outside the United States after such date and who become eligible to enroll by virtue of immigration into (or an adjustment of immigration status in) the United States are deemed enrolled at the time of entry or adjustment of status;

''(3) eligible individuals may otherwise be enrolled at such other times and manner as the Secretary shall specify, including the use of outstationed eligibility sites as described in section 1902(a)(55)(A) and the use of presumptive eligibility provisions like those described in section 1920A; and

''(4) at the time of automatic enrollment of a child, the Secretary provides for issuance to a parent or custodian of the individual a card evidencing coverage under this title and for a description of such coverage.

The provisions of section 1837(h) apply with respect to enrollment under this title in the same manner as they apply to enrollment under part B of title XVIII. An individual who is enrolled under this title is not eligible to be enrolled under an MA or MA-PD plan under part C of title XVIII.

''(c) DATE COVERAGE BEGINS.—

''(1) IN GENERAL.—The period during which an individual is entitled to benefits under this title shall begin as follows, but in no case earlier than January 1, 2007:

''(A) In the case of an individual who is enrolled under paragraph (1) or (2) of subsection (b), the date of birth or date of obtaining appropriate citizenship or immigration status, as the case may be.

''(B) In the case of another individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under subsection (a), the first day of such month of eligibility.

''(C) In the case of another individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such subsection, the first day of the following month.

''(2) AUTHORITY TO PROVIDE FOR PARTIAL MONTHS OF COVERAGE.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

''(3) LIMITATION ON PAYMENTS.—No payments may be made under this title with respect to the expenses of an individual enrolled under this title unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

''(d) EXPIRATION OF ELIGIBILITY.—An individual's coverage period under this section shall continue until the individual's enrollment has been terminated because the individual no longer meets the requirements of subsection (a) (whether because of age or change in immigration status).

''(e) ENTITLEMENT TO MEDIKIDS BENEFITS FOR ENROLLED INDIVIDUALS.—An individual enrolled under this title is entitled to the benefits described in section 2202.

''(f) LOW-INCOME INFORMATION.—

''(1) INQUIRY OF INCOME.—At the time of enrollment of a child under this title, the Secretary shall make an inquiry as to whether the family income (as determined for purposes of section 1905(p)) of the family that includes the child is within any of the following income ranges:

''(A) UP TO 150 PERCENT OF POVERTY.—The income of the family does not exceed 150 percent of the poverty line for a family of the size involved.

''(B) BETWEEN 150 AND 200 PERCENT OF POVERTY.—The income of the family exceeds 150 percent, but does not exceed 200 percent, of such poverty line.

''(C) BETWEEN 200 AND 300 PERCENT OF POVERTY.—The income of the family exceeds 200 percent, but does not exceed 300 percent, of such poverty line.

''(2) CODING.—If the family income is within a range described in paragraph (1), the Secretary shall encode in the identification card issued in connection with eligibility under this title a code indicating the range applicable to the family of the child involved.

''(3) PROVIDER VERIFICATION THROUGH ELECTRONIC SYSTEM.—The Secretary also shall provide for an electronic system through which providers may verify which income range described in paragraph (1), if any, is applicable to the family of the child involved.

''(g) CONSTRUCTION.—Nothing in this title shall be construed as requiring (or preventing) an individual who is enrolled under this title from seeking medical assistance under a State medicaid plan under title XIX or child health assistance under a State child health plan under title XXI.

"SEC. 2202. BENEFITS.

''(a) SECRETARIAL SPECIFICATION OF BENEFIT PACKAGE.—

''(1) IN GENERAL.—The Secretary shall specify the benefits to be made available under this title consistent with the provisions of this section and in a manner designed to meet the health needs of enrollees.

''(2) UPDATING.—The Secretary shall update the specification of benefits over time to ensure the inclusion of age-appropriate benefits to reflect the enrollee population.

''(3) ANNUAL UPDATING.—The Secretary shall establish procedures for the annual review and updating of such benefits to account for changes in medical practice, new information from medical research, and other relevant developments in health science.

''(4) INPUT.—The Secretary shall seek the input of the pediatric community in specifying and updating such benefits.

''(5) LIMITATION ON UPDATING.—In no case shall updating of benefits under this subsection result in a failure to provide benefits required under subsection (b).

''(b) INCLUSION OF CERTAIN BENEFITS.—

''(1) MEDICARE CORE BENEFITS.—Such benefits shall include (to the extent consistent with other provisions of this section) at least the same benefits (including coverage, access, availability, duration, and beneficiary rights) that are available under parts A and B of title XVIII.

''(2) ALL REQUIRED MEDICAID BENEFITS.—Such benefits shall also include all items and services for which medical assistance is required to be provided under section 1902(a)(10)(A) to individuals described in such section, including early and periodic screening, diagnostic services, and treatment services.

''(3) INCLUSION OF PRESCRIPTION DRUGS.—Such benefits also shall include (as specified by the Secretary) benefits for prescription drugs and biologicals which are not less than the benefits for such drugs and biologicals under the standard option for the service benefit plan described in section 8903(1) of title 5, United States Code, offered during 2005.

''(4) COST-SHARING.—

''(A) IN GENERAL.—Subject to subparagraph (B), such benefits also shall include the cost-sharing (in the form of deductibles, coinsurance, and copayments) which is substantially similar to such cost-sharing under the health benefits coverage in any of the four largest health benefits plans (determined by enrollment) offered under chapter 89 of title 5, United States Code, and including an out-of-pocket limit for catastrophic expenditures for covered benefits, except that no cost-sharing shall be imposed with respect to early and periodic screening and diagnostic services included under paragraph (2).

''(B) REDUCED COST-SHARING FOR LOW INCOME CHILDREN.—Such benefits shall provide that—

''(i) there shall be no cost-sharing for children in families the income of which is within the range described in section 2201(f)(1)(A);

''(ii) the cost-sharing otherwise applicable shall be reduced by 75 percent for children in families the income of which is within the range described in section 2201(f)(1)(B); or

''(iii) the cost-sharing otherwise applicable shall be reduced by 50 percent for children in families the income of which is within the range described in section 2201(f)(1)(C).

''(C) CATASTROPHIC LIMIT ON COST-SHARING.—For a refundable credit for cost-sharing in the case of cost-sharing in excess of a percentage of the individual's adjusted gross income, see section 36 of the Internal Revenue Code of 1986.

''(c) PAYMENT SCHEDULE.—The Secretary, with the assistance of the Medicare Payment Advisory Commission, shall develop and implement a payment schedule for benefits covered under this title. To the extent feasible, such payment schedule shall be consistent with comparable payment schedules and reimbursement methodologies applied under parts A and B of title XVIII.

''(d) INPUT.—The Secretary shall specify such benefits and payment schedules only after obtaining input from appropriate child health providers and experts.

''(e) ENROLLMENT IN HEALTH PLANS.—The Secretary shall provide for the offering of benefits under this title through enrollment in a health benefit plan that meets the same (or similar) requirements as the requirements that apply to Medicare Advantage plans under part C of title XVIII (other than any such requirements that relate to part D of such title). In the case of individuals enrolled under this title in such a plan, the payment rate shall be based on payment rates provided for under section 1853(c) in effect before the date of the enactment of the Medicare Prescription Drug, Modernization, and Improvement Act of 2003 (Public Law 108-173), except that such payment rates shall be adjusted in an appropriate manner to reflect differences between the population served under this title and the population under title XVIII.

"SEC. 2203. PREMIUMS.

''(a) AMOUNT OF MONTHLY PREMIUMS.—

''(1) IN GENERAL.—The Secretary shall, during September of each year (beginning with 2006), establish a monthly MediKids premium for the following year. Subject to paragraph (2), the monthly MediKids premium for a year is equal to 1/12 of the annual premium rate computed under subsection (b).

''(2) ELIMINATION OF MONTHLY PREMIUM FOR DEMONSTRATION OF EQUIVALENT COVERAGE (INCLUDING COVERAGE UNDER LOW-INCOME PROGRAMS).—The amount of the monthly premium imposed under this section for an individual for a month shall be zero in the case of an individual who demonstrates to the satisfaction of the Secretary that the individual has basic health insurance coverage for that month. For purposes of the previous sentence enrollment in a medicaid plan under title XIX, a State child health insurance plan under title XXI, or under the medicare program under title XVIII is deemed to constitute basic health insurance coverage described in such sentence.

''(b) ANNUAL PREMIUM.—

''(1) NATIONAL PER CAPITA AVERAGE.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 2201(a)(1) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

''(2) ANNUAL PREMIUM.—Subject to subsection (d), the annual premium under this subsection for months in a year is equal to 25 percent of the average, annual per capita amount estimated under paragraph (1) for the year.

''(c) PAYMENT OF MONTHLY PREMIUM.—

''(1) PERIOD OF PAYMENT.—In the case of an individual who participates in the program established by this title, subject to subsection (d), the monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

''(2) COLLECTION THROUGH TAX RETURN.—For provisions providing for the payment of monthly premiums under this subsection, see section 59B of the Internal Revenue Code of 1986.

''(3) PROTECTIONS AGAINST FRAUD AND ABUSE.—The Secretary shall develop, in coordination with States and other health insurance issuers, administrative systems to ensure that claims which are submitted to more than one payor are coordinated and duplicate payments are not made.

''(d) REDUCTION IN PREMIUM FOR CERTAIN LOW-INCOME FAMILIES.—For provisions reducing the premium under this section for certain low-income families, see section 59B(d) of the Internal Revenue Code of 1986.

"SEC. 2204. MEDIKIDS TRUST FUND.

''(a) ESTABLISHMENT OF TRUST FUND.—

''(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'MediKids Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

''(2) PREMIUMS.—Premiums collected under section 59B of the Internal Revenue Code of 1986 shall be periodically transferred to the Trust Fund.

''(3) TRANSITIONAL FUNDING BEFORE RECEIPT OF PREMIUMS.—In order to provide for funds in the Trust Fund to cover expenditures from the fund in advance of receipt of premiums under section 2203, there are transferred to the Trust Fund from the general fund of the United States Treasury such amounts as may be necessary.

''(b) INCORPORATION OF PROVISIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), subsection (b) (other than the last sentence) and subsections (c) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

''(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

''(A) any reference in such section to 'this part' is construed to refer to title XXII;

''(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this title;

''(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this title; and

''(D) the Board of Trustees of the MediKids Trust Fund shall be the same as the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

"SEC. 2205. OVERSIGHT AND ACCOUNTABILITY.

''(a) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the operation of the program under this title, including on the financing of coverage provided under this title.

''(b) PERIODIC MEDPAC REPORTS.—The Medicare Payment Advisory Commission shall periodically report to Congress concerning the program under this title.

"SEC. 2206. INCLUSION OF CARE COORDINATION SERVICES.

''(a) IN GENERAL.—

''(1) PROGRAM AUTHORITY.—The Secretary, beginning in 2007, may implement a care coordination services program in accordance with the provisions of this section under which, in appropriate circumstances, eligible individuals under section 2201 may elect to have health care services covered under this title managed and coordinated by a designated care coordinator.

''(2) ADMINISTRATION BY CONTRACT.—The Secretary may administer the program under this section through a contract with an appropriate program administrator.

''(3) COVERAGE.—Care coordination services furnished in accordance with this section shall be treated under this title as if they were included in the definition of medical and other health services under section 1861(s) and benefits shall be available under this title with respect to such services without the application of any deductible or coinsurance.

''(b) ELIGIBILITY CRITERIA; IDENTIFICATION AND NOTIFICATION OF ELIGIBLE INDIVIDUALS.—

''(1) INDIVIDUAL ELIGIBILITY CRITERIA.—The Secretary shall specify criteria to be used in making a determination as to whether an individual may appropriately be enrolled in

the care coordination services program under this section, which shall include at least a finding by the Secretary that for cohorts of individuals with characteristics identified by the Secretary, professional management and coordination of care can reasonably be expected to improve processes or outcomes of health care and to reduce aggregate costs to the programs under this title.

''(2) PROCEDURES TO FACILITATE ENROLLMENT.—The Secretary shall develop and implement procedures designed to facilitate enrollment of eligible individuals in the program under this section.

''(c) ENROLLMENT OF INDIVIDUALS.—

''(1) SECRETARY'S DETERMINATION OF ELIGIBILITY.—The Secretary shall determine the eligibility for services under this section of individuals who are enrolled in the program under this section and who make application for such services in such form and manner as the Secretary may prescribe.

''(2) ENROLLMENT PERIOD.—

''(A) EFFECTIVE DATE AND DURATION.—Enrollment of an individual in the program under this section shall be effective as of the first day of the month following the month in which the Secretary approves the individual's application under paragraph (1), shall remain in effect for one month (or such longer period as the Secretary may specify), and shall be automatically renewed for additional periods, unless terminated in accordance with such procedures as the Secretary shall establish by regulation. Such procedures shall permit an individual to disenroll for cause at any time and without cause at re-enrollment intervals.

''(B) LIMITATION ON REENROLLMENT.—The Secretary may establish limits on an individual's eligibility to reenroll in the program under this section if the individual has disenrolled from the program more than once during a specified time period.

''(d) PROGRAM.—The care coordination services program under this section shall include the following elements:

''(1) BASIC CARE COORDINATION SERVICES.—

''(A) IN GENERAL.—Subject to the cost-effectiveness criteria specified in subsection (b)(1), except as otherwise provided in this section, enrolled individuals shall receive services described in section 1905(t)(1) and may receive additional items and services as described in subparagraph (B).

''(B) ADDITIONAL BENEFITS.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to individuals enrolled in the program under this section (subject to an assessment by the care coordinator of an individual's circumstance and need for such benefits) in order to encourage enrollment in, or to improve the effectiveness of, such program.

''(2) CARE COORDINATION REQUIREMENT.—Notwithstanding any other provision of this title, the Secretary may provide that an individual enrolled in the program under this section may be entitled to payment under this title for any specified health care items or services only if the items or services have been furnished by the care coordinator, or coordinated through the care coordination services program. Under such provision, the Secretary shall prescribe exceptions for emergency medical services as described in section 1852(d)(3), and other exceptions determined by the Secretary for the delivery of timely and needed care.

''(e) CARE COORDINATORS.—

''(1) CONDITIONS OF PARTICIPATION.—In order to be qualified to furnish care coordination services under this section, an individual or entity shall—

''(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

''(B) have entered into a care coordination agreement; and

''(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician's services).

''(2) AGREEMENT TERM; PAYMENT.—

''(A) DURATION AND RENEWAL.—A care coordination agreement under this subsection shall be for one year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1).

''(B) PAYMENT FOR SERVICES.—The Secretary may negotiate or otherwise establish payment terms and rates for services described in subsection (d)(1).

''(C) LIABILITY.—Care coordinators shall be subject to liability for actual health damages which may be suffered by recipients as a result of the care coordinator's decisions, failure or delay in making decisions, or other actions as a care coordinator.

''(D) TERMS.—In addition to such other terms as the Secretary may require, an agreement under this section shall include the terms specified in subparagraphs (A) through (C) of section 1905(t)(3).

''SEC. 2207. ADMINISTRATION AND MISCELLANEOUS.

''(a) IN GENERAL.—Except as otherwise provided in this title—

''(1) the Secretary shall enter into appropriate contracts with providers of services, other health care providers, carriers, and fiscal intermediaries, taking into account the types of contracts used under title XVIII with respect to such entities, to administer the program under this title;

''(2) beneficiary protections for individuals enrolled under this title shall not be less than the beneficiary protections (including limits on balance billing) provided medicare beneficiaries under title XVIII;

''(3) benefits described in section 2202 that are payable under this title to such individuals shall be paid in a manner specified by the Secretary (taking into account, and based to the greatest extent practicable upon, the manner in which they are provided under title XVIII); and

''(4) provider participation agreements under title XVIII shall apply to enrollees and benefits under this title in the same manner as they apply to enrollees and benefits under title XVIII.

''(b) COORDINATION WITH MEDICAID AND SCHIP.—Notwithstanding any other provision of law, individuals entitled to benefits for items and services under this title who also qualify for benefits under title XIX or XXI or any other Federally funded health care program that provides basic health insurance coverage described in section 2203(a)(2) may continue to qualify and obtain benefits under such other title or program, and in such case such an individual shall elect either—

''(1) such other title or program to be primary payor to benefits under this title, in which case no benefits shall be payable under this title and the monthly premium under section 2203 shall be zero; or

''(2) benefits under this title shall be primary payor to benefits provided under such title or program, in which case the Secretary shall enter into agreements with States as may be appropriate to provide that, in the case of such individuals, the benefits under titles XIX and XXI or such other program (including reduction of cost-sharing) are provided on a 'wrap-around' basis to the benefits under this title.''.

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking ''or the Federal Supplementary Medical Insurance Trust Fund'' and inserting ''the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund''.

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking ''and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII'' and inserting '', the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund established by title XVIII''.

(c) MAINTENANCE OF MEDICAID ELIGIBILITY AND BENEFITS FOR CHILDREN.—

(1) IN GENERAL.—In order for a State to continue to be eligible for payments under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a))—

(A) the State may not reduce standards of eligibility, or benefits, provided under its State medicaid plan under title XIX of the Social Security Act or under its State child health plan under title XXI of such Act for individuals under 23 years of age below such standards of eligibility, and benefits, in effect on the date of the enactment of this Act; and

(B) the State shall demonstrate to the satisfaction of the Secretary of Health and Human Services that any savings in State expenditures under title XIX or XXI of the Social Security Act that results from children enrolling under title XXII of such Act shall be used in a manner that improves services to beneficiaries under title XIX of such Act, such as through expansion of eligibility, improved nurse and nurse aide staffing and improved inspections of nursing facilities, and coverage of additional services.

(2) MEDIKIDS AS PRIMARY PAYOR.—In applying title XIX of the Social Security Act, the MediKids program under title XXII of such Act shall be treated as a primary payor in cases in which the election described in section 2207(b)(2) of such Act, as added by subsection (a), has been made.

(d) EXPANSION OF MEDPAC MEMBERSHIP TO 19.—

(1) IN GENERAL.—Section 1805(c) of the Social Security Act (42 U.S.C. 1395b–6(c)) is amended—

(A) in paragraph (1), by striking ''17'' and inserting ''19''; and

(B) in paragraph (2)(B), by inserting ''experts in children's health,'' after ''other health professionals,''.

(2) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(A) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under subsection (a)(1) are as follows:

(i) One member shall be appointed for 1 year.

(ii) One member shall be appointed for 2 years.

(B) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2006.

(3) DUTIES.—Section 1805(b)(1)(A) of such Act (42 U.S.C. 1395b–6(b)(1)(A)) is amended by inserting before the semicolon at the end the following: ''and payment policies under title XXII''.

SEC. 3. MEDIKIDS PREMIUM.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end the following new part:

"PART VIII—MEDIKIDS PREMIUM

''Sec. 59B. MediKids premium

"SEC. 59B. MEDIKIDS PREMIUM.

''(a) IMPOSITION OF TAX.—In the case of a taxpayer to whom this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a MediKids premium for the taxable year.

''(b) INDIVIDUALS SUBJECT TO PREMIUM.—

''(1) IN GENERAL.—This section shall apply to a taxpayer if a MediKid is a dependent of the taxpayer for the taxable year.

''(2) MEDIKID.—For purposes of this section, the term 'MediKid' means any individual enrolled in the MediKids program under title XXII of the Social Security Act.

''(c) AMOUNT OF PREMIUM.—For purposes of this section, the MediKids premium for a taxable year is the sum of the monthly premiums (for months in the taxable year) determined under section 2203 of the Social Security Act with respect to each MediKid who is a dependent of the taxpayer for the taxable year.

''(d) EXCEPTIONS BASED ON ADJUSTED GROSS INCOME.—

''(1) EXEMPTION FOR VERY LOW-INCOME TAXPAYERS.—

''(A) IN GENERAL.—No premium shall be imposed by this section on any taxpayer having an adjusted gross income not in excess of the exemption amount.

''(B) EXEMPTION AMOUNT.—For purposes of this paragraph, the exemption amount is—

''(i) $19,245 in the case of a taxpayer having 1 MediKid,

''(ii) $24,135 in the case of a taxpayer having 2 MediKids,

''(iii) $29,025 in the case of a taxpayer having 3 MediKids, and

''(iv) $33,915 in the case of a taxpayer having 4 or more MediKids.

''(C) PHASEOUT OF EXEMPTION.—In the case of a taxpayer having an adjusted gross income which exceeds the exemption amount but does not exceed twice the exemption amount, the premium shall be the amount which bears the same ratio to the premium which would (but for this subparagraph) apply to the taxpayer as such excess bears to the exemption amount.

''(D) INFLATION ADJUSTMENT OF EXEMPTION AMOUNTS.—In the case of any taxable year beginning in a calendar year after 2005, each dollar amount contained in subparagraph (C) shall be increased by an amount equal to the product of—

''(i) such dollar amount, and

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.

''(2) PREMIUM LIMITED TO 5 PERCENT OF ADJUSTED GROSS INCOME.—In no event shall any taxpayer be required to pay a premium under this section in excess of an amount equal to 5 percent of the taxpayer's adjusted gross income.

''(e) COORDINATION WITH OTHER PROVISIONS.—

''(1) NOT TREATED AS MEDICAL EXPENSE.—For purposes of this chapter, any premium paid under this section shall not be treated as expense for medical care.

''(2) NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The premium paid under this section shall not be treated as a tax imposed by this chapter for purposes of determining—

''(A) the amount of any credit allowable under this chapter, or

''(B) the amount of the minimum tax imposed by section 55.

''(3) TREATMENT UNDER SUBTITLE F.—For purposes of subtitle F, the premium paid under this section shall be treated as if it were a tax imposed by section 1.''.

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 6012 of such Code is amended by inserting after paragraph (9) the following new paragraph:

''(10) Every individual liable for a premium under section 59B.''.

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''PART VIII. MEDIKIDS PREMIUM''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 2006, in taxable years ending after such date.

SEC. 4. REFUNDABLE CREDIT FOR CERTAIN COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. CATASTROPHIC LIMIT ON COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

''(a) IN GENERAL.—

''In the case of a taxpayer who has a MediKid (as defined in section 59B) at any time during the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the excess of—

''(1) the amount paid by the taxpayer during the taxable year as cost-sharing under section 2202(b)(4) of the Social Security Act, over

''(2) 5 percent of the taxpayer's adjusted gross income for the taxable year.''.

(b) COORDINATION WITH OTHER PROVISIONS.—The excess described in subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 162(l) or 213(a).

(c) TECHNICAL AMENDMENTS.—

(1) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

''Sec. 36. Catastrophic limit on cost-sharing expenses under MediKids program''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or 36'' after ''section 35''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 5. REPORT ON LONG-TERM REVENUES.

Within one year after the date of the enactment of this Act, the Secretary of the Treasury shall propose a gradual schedule of progressive tax changes to fund the program under title XXII of the Social Security Act, as the number of enrollees grows in the outyears.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. FEINGOLD, Mrs. BOXER, and Mr. DAYTON):

S. 1304. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I rise today to introduce a piece of legislation to fix a huge oversight in pension policy.

In the early 1990s, a large number of U.S. companies began a process of switching their traditional defined benefit pension plans to what's referred to as ''cash balance'' pension plans. A cash balance pension is insured, like a traditional plan, through the PBGC. However, it looks more like a defined contribution plan to participants because the benefit is expressed as some percent of play plus some guaranteed interest rate. This isn't necessarily a bad idea, in and of itself. However, in practice, many of the employees working for these companies were not told what these changes would mean for them. Some companies had their employees work for years without earning any more benefits. Many of those employees didn't figure that out for a very long time. Unfortunately, their lack of understanding in this situation was a key benefit to management. However, once they figured out what was happening, the retirees were furious.

As two consultants who helped put these plans together said at an Actuaries conference in 1998:

''I've been involved in cash balance plans five or six years down the road and what I have found is that while employees understand it, it is not until they are actually ready to retire that they understand how little they are actually getting.''

''Right, but they're happy while they're employed.''

One of the most abusive practices in cash balance conversions is known as ''wear away. '' The company freezes the value of the benefits employees already earned, which by law cannot be taken away once given. However, the employer opens a cash balance account for that worker at a much lower dollar level. So they end up working for years contributing to this lower cash balance account, not realizing that contribution is meaningless because their old benefits were higher. At the same time, younger workers do get money added to their account every day. This is clearly age discrimination, and bad pension policy.

In 1999, I introduced a bill to make it illegal for corporations to wear away the benefits of older workers during conversions to cash balance plans. I offered my bill as an amendment. Forty-eight Senators, including 3 Republicans, voted to waive the budget point of order so we could consider this amendment. We did not have enough votes then, but I believe the tide is turning.

After that vote, more and more stories came out about how many workers were losing their pensions. In September of 1999, the Secretary of the Treasury put a moratorium on conversions from defined benefit plans to cash balance plans. That moratorium has

been in effect now for over three years. In April of 2000, I offered a Sense-of-the-Senate resolution to stop this practice, and it passed the Senate unanimously.

There are hundreds of age discrimination complaints currently pending before the EEOC based on some of these abusive cash balance conversions. Clearly, something must be done to address this issue that's been floating around now unresolved for over five years.

Before, I said that wear-away is the least fair practice during conversion. And I have to say that now, public sentiment is really coming around to acknowledge that unfairness. However, aside from wear-away, there's another problem in shifting from a traditional pension to cash balance. In a traditional plan, you accrue most of the benefits toward the end of your career, because there's usually some kind of formula that multiplies top pay times years of service. People tend to earn more salary toward the end of their careers, and if that is multiplied times more years served, the pension grows quickly in later years. But in a cash balance plan, younger workers do better because they are given a flat percent of pay plus some guaranteed interest credit. Interest is good for young people, they have many years to accrue and compound it. So if you get caught in mid-life, mid-career in one of these transitions, you get the downside of both plans.

Before I go any further, I want to be clear on one point—cash balance pensions can be a great deal for workers. Some. And they may help fill a needed niche in the pension world to cover the half of the workforce that currently has no pension. But I will continue my long battle to oppose the unilateral decision of a company to cut off a promise for an older worker, give that money to a younger worker, and not view it as age discrimination.

That is what this issue is all about. It is fairness. It is equity. I know discussion of pension law can become very convoluted. But this can be boiled down pretty simply. It is about what we think a promise from an employer ought to mean.

There is one thing that has distinguished the American workplace from others around the world. We have valued loyalty. At least we used to. That is one of the reasons pension plans exist—the longer you work somewhere, the more you earn in your pension program. Obviously, the longer you work someplace, the better you do your job, the more you learn about it, the more productive you are. We should value that loyalty.

But here, companies are able to take away the benefits of the longest serving workers. What kind of a signal does that send to the workers? It tells workers they are fools if they are loyal because if you put in 20 or 25 years, the boss can just change the rules of the game, and break their promise. It tells younger workers that it would be crazy to work for a company for a long time, that it's best to hedge your bets and move on as soon as it is convenient. It's crazy to trade current pay for the promise of future benefits. So why even take into account the fact that you're being offered a pension plan? This is a very dangerous road to go down.

This destroys the kind of work ethic we have come to value and that we know built this country. But some of these cash balance conversions counter all of that. Here is an analogy. Imagine I hire someone for 5 years with a promise of a $50,000 bonus at the end of 5 years of service. At the end of 3 years, however, I renege on the $50,000 bonus. But the employee has 3 years invested. Had they known that the deal was going to be off, perhaps they would not have gone to work for me. They could have gone to work someplace else for a total higher compensation package. Now imagine that they hire a new guy to join the team, and they give him part of that $50,000 bonus they promised me. Is that the way we want to treat workers in this country, where the employer has all the cards and employees have none, and employers can make whatever deal they want, but can change the rules at any time?

That is why I am introducing this legislation. It is simple. It says that you have to give older, longer serving employees a choice, at retirement, when their pension plan is converted to a cash balance plan to get the benefits earned in the old plan instead. It also says that employers must start counting the new cash balance benefits where the old defined benefit plan left off, instead of starting the cash balance plan at a lower level than an employee had already earned.

This isn't a radical idea. I was very pleased that in February of 2004, the Administration came out with a cash balance proposal that recognized that these transitions are hard on workers. It not only prohibits wear-away but provides for 5 year transition credits for workers caught in the middle of a conversion. Treasury reaffirmed its commitment to this approach in this year's budget request.

I was excited when Treasury first came to the table with a proposal to do more to protect workers here. I was so encouraged by this that I convened a series of meetings over the course of last summer to get all interested parties to the table—everyone from participant rights advocates to industry groups to consultants. I heard some really great ideas, and some that I didn't agree with. But I think there is still room to find answers to this problem. So I'm putting my plan back on the table today. And I really hope that we can continue a meaningful dialog on this issue.

If we do that, this year, we can enact meaningful participant protections moving forward so that there is another pension option out there to cover the roughly half of Americans with no pension at all. But I also want to make it clear that this Senator will never sit idly by as older workers get the rug pulled out from under them just as they thought they were on solid ground for their retirement. I won't stand idly by and watch their money redistributed in an age-discriminatory way. We can have this dialog and we can find a way to fix what's broken here, but not by blessing some of these blatant abuses.

By Mr. BROWNBACK:

S. 1305. A bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes; to the Committee on Finance.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Parents Tax Relief Act.

The Parents Tax Relief Act would help restore to families the pride-of-place, which they enjoyed during the early days of the income tax.

This important legislation would relieve the growing tax burden on families with children; provide a realistic option for one parent to stay at home and care for the children; and acknowledge the indispensable social value of the time and effort that parents put into rearing and forming their children.

Letting parents keep more of their hard-earned money for family-related expenses leaves the childcare decision to parents. Given this opportunity to make their own decision about childcare, many will choose to stay at home and care for their children themselves.

This legislation is necessary because parents have been hit especially hard by increasing taxes over the past half-century. In 1948, the average family with children paid 3 percent of its income in Federal taxes; today, that same average family with children pays almost 25 percent of its income in Federal taxes.

It is time for the Federal Government to step back and recognize the contributions of the American family. As a matter of policy, I believe we should work to further reduce taxes on families with children in order to make it easier for parents to be parents and care for their own children at home. Outside of abusive situations, nothing is better for our children than spending time with their parents.

The Parents Tax Relief Act takes a modest step towards empowering and strengthening the family. It builds on Marriage Penalty Tax Relief and the Child Tax Credit, making both permanent. While the Child Tax Credit was significant in leveling a three-decade trend of an increasing percentage of married mothers with preschool children who work outside the home full-time, more needs to be done to give parents the chance to decrease this percentage.

To accomplish this end, the Parents Tax Relief Act would increase deductions for young and elderly dependents.

It would equalize existing Federal preferences between parents who choose to stay at home with their children and parents Who choose to work outside of the home and place their children in paid daycare.

The bill would make it easier for a parent to spend more time with their children through provisions that encourage telecommuting and home businesses. And it recognizes the societal contributions of parents by granting 10 years worth of Social Security credits to a spouse who leaves the workforce during their prime-earning years to care for a young child.

The Parents Tax Relief Act is about investing in human capital. The hard-working American family, instilling traditional values to children, has been the bedrock of American society. As the family goes, so goes the Nation.

In recent years, the Federal Government has engaged in a massive experiment with paid, out-of-home daycare. As a national policy, through Federal subsidies, we have encouraged parents to place their children in daycare, and further, we have increasingly become a Nation where it is necessary for both husband and wife to be in the workforce just to cover a family's basic needs. The end result is that children are getting less of their parents' time when they need their parents the most.

Make no mistake, both men and women have made valuable contributions to our national workforce. Our Nation's productivity is strong, and we have enjoyed a great period of national prosperity. But how long will it last when our children are spending less time with mom and dad? Sociological data confirms time and again that children do best when raised by a mother and a father, where one spouse works and the other spouse stays at home with the children.

Unfortunately—and I believe that most mothers, especially, would tend to agree—we have reached a point where a family has to make a truly great sacrifice for one parent to stay at home to raise the children. I have heard so many stories of mothers wanting to stay home with their children, but between paying a mortgage and taxes, they feel helpless. They feel that they must work in order that their family can enjoy and maintain a middle-class lifestyle.

It is time for us to acknowledge, through Federal policy, the sacrifices that parents make to invest in the upbringing of their children when they stay at home. That is goal of the Parents Tax Relief Act, and it is the reason why I am introducing this important measure.

It costs a great sum to raise children these days, and it is essential to our Nation's social and economic welfare that we ensure Federal tax policy does not infringe on a parent's ability to afford that great sum.

The Parents Tax Relief Act would establish a new national tax policy that would allow parents to invest more time and effort in the formation of their children. In the end, this type of investment in human capital may be the most effective way for the Federal Government to ensure our future economic growth and competitiveness.

The legislative road to this new policy begins today, and I look forward to working with my colleagues on both sides of the aisle to make it a reality.

By Ms. MURKOWSKI:

S. 1306. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, at the very beginning of the Alaska Native Claims Settlement Act of 1971 there are a series of findings and declarations of Congressional policy which explain the underpinnings of this landmark legislation.

The first clause reads, ''There is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims.'' The second clause states, ''The settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives.''

Thirty three years have passed since the Alaska Native Claims Settlement Act became law and still the Native peoples of five communities in Southeast Alaska—Haines, Ketchikan, Petersburg, Tenakee and Wrangell—the five ''landless communities'' are still waiting for their fair and just settlement.

The Alaska Native Claims Settlement Act awarded approximately $1 billion and 44 million acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands. The beneficiaries of the settlement were issued stock in one of 13 regional Alaska Native Corporations. Most beneficiaries also had the option to enroll and receive stock in a village, group or urban corporation.

For reasons that still defy explanation the Native peoples of the ''landless communities,'' were not permitted by the Alaska Native Claims Settlement Act to form village or urban corporations. These communities were excluded from this benefit even though they did not differ significantly from other communities in Southeast Alaska that were permitted to form village or urban corporations under the Alaska Native Claims Settlement Act. This finding was confirmed in a February 1994 report submitted by the Secretary of the Interior at the direction of the Congress. That study was conducted by the Institute of Social and Economic Research at the University of Alaska.

The Native people of Southeast Alaska have recognized the injustice of this oversight for more than 33 years. An independent study issued more than 11 years ago confirms that the grievance of the landless communities is legitimate. Legislation has been introduced in the past sessions of Congress to remedy this injustice. Hearings have been held and reports written. Yet legislation to right the wrong has inevitably stalled out. This December marks the 34th anniversary of Congress' promise to the Native peoples of Alaska—the promise of a rapid and certain settlement. And still the landless communities of Southeast Alaska are landless.

I am convinced that this cause is just, it is right, and it is about time that the Native peoples of the five landless communities receive what has been denied them for more than 30 years.

The legislation that I am introducing today would enable the Native peoples of the five ''landless communities'' to organize five ''urban corporations,'' one for each unrecognized community. These newly formed corporations would be offered and could accept the surface estate to approximately 23,000 acres of land. Sealaska Corporation, the regional Alaska Native Corporation for Southeast Alaska would receive title to the subsurface estate to the designated lands. The urban corporations would each receive a lump sum payment to be used as start-up funds for the newly established corporation. The Secretary of the Interior would determine other appropriate compensation to redress the inequities faced by the unrecognized communities.

It is long past time that we return to the Native peoples of Southeast Alaska a small slice of the aboriginal lands that were once theirs alone. It is time that we open our minds and open our hearts to correcting this injustice which has gone on far too long and finally give the Native peoples of Southeast Alaska the rapid and certain settlement for which they have been waiting.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1306

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) In 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (referred to in this section as the ''Act'') to recognize and settle the aboriginal claims of Alaska Natives to the lands Alaska Natives had used for traditional purposes.

(2) The Act awarded approximately $1,000,000,000 and 44,000,000 acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands.

(3) Pursuant to the Act, Alaska Natives have been enrolled in one of 13 Regional Corporations.

(4) Most Alaska Natives reside in communities that are eligible under the Act to form a Village or Urban Corporation within the geographical area of a Regional Corporation.

(5) Village or Urban Corporations established under the Act received cash and surface rights to the settlement land described in paragraph (2) and the corresponding Regional Corporation received cash and land which includes the subsurface rights to the land of the Village or Urban Corporation.

(6) The southeastern Alaska communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell are not listed under the Act as communities eligible to form Village or Urban Corporations, even though the population of such villages comprises greater than 20 percent of the shareholders of the Regional Corporation for Southeast Alaska and display historic, cultural, and traditional qualities of Alaska Natives.

(7) The communities described in paragraph (6) have sought full eligibility for lands and benefits under the Act for more than three decades.

(8) In 1993, Congress directed the Secretary of the Interior to prepare a report examining the reasons why the communities listed in paragraph (6) had been denied eligibility to form Village or Urban Corporations and receive land and benefits pursuant to the Act.

(9) The report described in paragraph (8), published in February, 1994, indicates that—

(A) the communities listed in paragraph (6) do not differ significantly from the southeast Alaska communities that were permitted to form Village or Urban Corporations under the Act;

(B) such communities are similar to other communities that are eligible to form Village or Urban Corporations under the Act and receive lands and benefits under the Act—

(i) in actual number and percentage of Native Alaskan population; and

(ii) with respect to the historic use and occupation of land;

(C) each such community was involved in advocating the settlement of the aboriginal claims of the community; and

(D) some of the communities appeared on early versions of lists of Native Villages prepared before the date of the enactment of the Act, but were not included as Native Villages in the Act.

(10) The omissions described in paragraph (9) are not clearly explained in any provision of the Act or the legislative history of the Act.

(11) On the basis of the findings described in paragraphs (1) through (10), Alaska Natives who were enrolled in the five unlisted communities and their heirs have been inadvertently and wrongly denied the cultural and financial benefits of enrollment in Village or Urban Corporations established pursuant to the Act.

(b) PURPOSE.—The purpose of this Act is to redress the omission of the communities described in subsection (a)(6) from eligibility by authorizing the Native people enrolled in the communities—

(1) to form Urban Corporations for the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell under the Act; and

(2) to receive certain settlement lands and other compensation pursuant to the Act.

SEC. 3. ESTABLISHMENT OF ADDITIONAL NATIVE CORPORATIONS.

Section 16 of the Alaska Native Claims Settlement Act (43 U.S.C. 1615) is amended by adding at the end thereof the following new subsection:

''(e)(1) The Native residents of each of the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, Alaska, may organize as Urban Corporations.

''(2) Nothing in this subsection shall affect any entitlement to land of any Native Corporation previously established pursuant to this Act or any other provision of law.''.

SEC. 4. SHAREHOLDER ELIGIBILITY.

Section 8 of the Alaska Native Claims Settlement Act (43 U.S.C. 1607) is amended by adding at the end thereof the following new subsection:

''(d)(1) The Secretary of the Interior shall enroll to each of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell those individual Natives who enrolled under this Act to the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell, respectively.

''(2) Those Natives who are enrolled to an Urban Corporation for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell pursuant to paragraph (1) and who were enrolled as shareholders of the Regional Corporation for Southeast Alaska on or before March 30, 1973, shall receive 100 shares of Settlement Common Stock in such Urban Corporation.

''(3) A Native who has received shares of stock in the Regional Corporation for Southeast Alaska through inheritance from a decedent Native who originally enrolled to the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell, which decedent Native was not a shareholder in a Village or Urban Corporation, shall receive the identical number of shares of Settlement Common Stock in the Urban Corporation for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell as the number of shares inherited by that Native from the decedent Native who would have been eligible to be enrolled to such Urban Corporation.

''(4) Nothing in this subsection shall affect entitlement to land of any Regional Corporation pursuant to section 12(b) or section 14(h)(8).''.

SEC. 5. DISTRIBUTION RIGHTS.

Section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606) is amended—

(1) in subsection (j), by adding at the end thereof the following new sentence: ''Native members of the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell who become shareholders in an Urban Corporation for such a community shall continue to be eligible to receive distributions under this subsection as at-large shareholders of the Regional Corporation for Southeast Alaska.''; and

(2) by adding at the end thereof the following new subsection:

''(s) No provision of or amendment made by the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act shall affect the ratio for determination of revenue distribution among Native Corporations under this section and the '1982 Section 7(i) Settlement Agreement' among the Regional Corporations or among Village Corporations under subsection (j).''.

SEC. 6. COMPENSATION.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new section:

''URBAN CORPORATIONS FOR HAINES, KETCHIKAN, PETERSBURG, TENAKEE, AND WRANGELL

''SEC. 43. (a) Upon incorporation of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, the Secretary, in consultation and coordination with the Secretary of Commerce, and in consultation with representatives of each such Urban Corporation and the Regional Corporation for Southeast Alaska, shall offer as compensation, pursuant to this Act, one township of land (23,040 acres) to each of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, and other appropriate compensation, including the following:

''(1) Local areas of historical, cultural, traditional, and economic importance to Alaska Natives from the Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell. In selecting the lands to be withdrawn and conveyed pursuant to this section, the Secretary shall give preference to lands with commercial purposes and may include subsistence and cultural sites, aquaculture sites, hydroelectric sites, tidelands, surplus Federal property and eco-tourism sites. The lands selected pursuant to this section shall be contiguous and reasonably compact tracts wherever possible. The lands selected pursuant to this section shall be subject to all valid existing rights and all other provisions of section 14(g), including any lease, contract, permit, right-of-way, or easement (including a lease issued under section 6(g) of the Alaska Statehood Act).

''(2) $650,000 for capital expenses associated with corporate organization and development, including—

''(A) the identification of forest and land parcels for selection and withdrawal;

''(B) making conveyance requests, receiving title, preparing resource inventories, land and resource use, and development planning;

''(C) land and property valuations;

''(D) corporation incorporation and start-up;

''(E) advising and enrolling shareholders;

''(F) issuing stock; and

''(G) seed capital for resource development.

''(3) Such additional forms of compensation as the Secretary deems appropriate, including grants and loan guarantees to be used for planning, development and other purposes for which Native Corporations are organized under the Act, and any additional financial compensation, which shall be allocated among the five Urban Corporations on a pro rata basis based on the number of shareholders in each Urban Corporation.

''(b) The Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, shall have one year from the date of the offer of compensation from the Secretary to each such Urban Corporation provided for in this section within which to accept or reject the offer. In order to accept or reject the offer, each such Urban Corporation shall provide to the Secretary a properly executed and certified corporate resolution that states that the offer proposed by the Secretary was voted on, and either approved or rejected, by a majority of the shareholders of the Urban Corporation. In the event that the offer is rejected, the Secretary, in consultation with representatives of the Urban Corporation that rejected the offer and the Regional Corporation for Southeast Alaska, shall revise the offer and the Urban Corporation shall have an additional six months within which to accept or reject the revised offer.

''(c) Not later than 180 days after receipt of a corporate resolution approving an offer of the Secretary as required in subsection (b), the Secretary shall withdraw the lands and convey to the Urban Corporation title to the surface estate of the lands and convey to the Regional Corporation for Southeast Alaska title to the subsurface estate as appropriate for such lands.

''(d) The Secretary shall, without consideration of compensation, convey to the Urban Corporations of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, by quitclaim deed or patent, all right, title, and interest of the United States in all roads, trails, log transfer facilities, leases, and appurtenances on or related to the land conveyed to the corporations pursuant to subsection (c).

''(e)(1) The Urban Corporations of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell may establish a settlement trust in

accordance with the provisions of section 39 for the purposes of promoting the health, education, and welfare of the trust beneficiaries and preserving the Native heritage and culture of the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, respectively.

''(2) The proceeds and income from the principal of a trust established under paragraph (1) shall first be applied to the support of those enrollees and their descendants who are elders or minor children and then to the support of all other enrollees.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as shall be necessary to carry out this Act and the amendments made by this Act.

By Mr. BAUCUS:

S. 1308. A bill to establish an Office of Trade Adjustment Assistance, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I introduce the Trade Adjustment Assistance for Firms Reorganization Act.

The Trade Adjustment Assistance for Firms program assists hundreds of mostly small and medium-sized manufacturing and agricultural companies in Montana and nationwide when they face layoffs and lost sales due to import competition. Qualifying companies develop adjustment plans and receive technical assistance to become more competitive, so that they can retain and expand employment.

The program is very cost effective. It requires the firms being helped to match the Federal assistance with their own funds, and it pays the government back in federal and State tax revenues when the firms succeed.

For example, TAA for Firms is helping Montola Growers from Culbertson, Montana, to develop cosmetic applications for its safflower oil. And it is helping Porterbilt Company of Hamilton to expand its product line.

Currently, TAA for Firms clients receive assistance preparing petitions and adjustment plans from twelve Trade Adjustment Assistance Centers, which are Commerce Department contractors. Program and policy decisions are made by a small headquarters staff in the Commerce Department's Economic Development Administration.

In the Trade Act of 2002, Congress voted to reauthorize this important program for seven years and to increase its authorized funding level. The program seemed headed toward some years of smooth sailing. But it turns out that is not the case.

For reasons unrelated to TAA for Firms, EDA began more than a year ago to move all its headquarters programs to its six regional offices. For TAA for Firms, that means clients will still get the same local services from the TAACs, but decisions will be made in six regional offices plus a national policy office. The likely result is more personnel needed to run the program, more layers of government, less centralized and consistent decision making, and less accountability—all without any likely improvement in customer service.

In preparation for this reorganization, EDA transferred or otherwise eliminated most of its experienced TAA staff in the Washington office. But to date it has not completed the transfer and hired or trained the necessary regional staff. So the program is in limbo.

Meanwhile, the President recently announced a multi-agency consolidation of economic development programs that will eliminate EDA and its regional offices. Not surprisingly, the latest word from EDA is that plans to complete the move of TAA for Firms to the regional offices are now on indefinite hold. The President's fiscal year 2006 budget zeroes out TAA for Firms, even though Congress has authorized the program through fiscal year 2007. With funding in doubt and the Washington-based management structure for TAA for Firms already largely dismantled, this program is on the verge of a crisis.

TAA for Firms was not broken until someone decided to fix it. Now it is doomed to stay in limbo unless Congress acts to clean up the mess.

The bill I am introducing today solves these problems by moving administration of the TAA for Firms program from EDA into a different part of the Commerce Department—the International Trade Administration. I introduced this same bill last year with 15 co-sponsors.

Relocating the program to ITA makes sense. ITA has experience running this program, which was located there prior to 1990. Relocating TAA for Firms to ITA will result in fewer lays of government and more centralized and accountable program management than running it through EDA's regional offices or some new economic development agency.

Relocating the program also creates synergies by allowing better coordination of the TAA for Firms program with other trade and trade remedy programs administered by ITA. And it enhances the ability of the Finance Committee to carry out its oversight responsibilities for this program and for trade policy in general.

I do not want to see this important TAA program die of neglect. This legislation is a simple matter of good, sensible government. I encourage my colleagues to lend it their support.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1308

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trade Adjustment Assistance for Firms Reorganization Act''.

SEC. 2. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following new section:

''SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Trade Adjustment Assistance for Firms Reorganization Act, there shall be established in the International Trade Administration of the Department of Commerce an Office of Trade Adjustment Assistance.

''(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities of the Secretary of Commerce described in this chapter.

''(c) FUNCTIONS.—The Office shall assist the Secretary of Commerce in carrying out the Secretary's responsibilities under this chapter.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255, the following new item:

''Sec. 255A. Office of Trade Adjustment Assistance''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''2007'' and inserting ''2012''.

By Mr. BAUCUS (for himself, Mr. COLEMAN, and Mr. WYDEN):

S. 1309. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I introduce the Trade Adjustment Assistance Equity for Service Workers Act.

Frankly, I am disappointed to be here introducing this bill yet again.

Just last week, the substance of the bill was adopted by a majority of members of the Finance Committee as an amendment to the implementing legislation for the United States-Central America-Dominican Republic Free Trade Agreement. But today, the administration sent us the final implementing bill with the amendment stripped out.

President Bush likes to say that trade is for everyone. That we all share the benefits, including workers. And he claims to care a lot about having a skilled workforce that can keep American businesses competitive in global markets.

This amendment presented the President with the perfect opportunity to put his money where his mouth is.

He could have said to the American people—as President Clinton did when Congress considered the NAFTA—that just as all Americans share in the benefits of trade, we all bear a responsibility for its costs. Trade liberalization and trade adjustment go hand in hand. And then he could have provided America's service sector workers with access to the one program designed to make that happen—Trade Adjustment Assistance.

But by submitting the CAFTA implementing bill stripped of the Trade Adjustment Assistance amendment passed by the Finance Committee, he chose not to.

Since 1962, Trade Adjustment Assistance—what we call ''TAA''—has provided retraining, income support, and other benefits so that workers who lose their jobs due to trade can make a new start.

The rationale for TAA is simple. When our government pursues trade liberalization, we create benefits for the economy as a whole. But there is always some dislocation from trade.

When he created the TAA program, President Kennedy explained that the Federal Government has an obligation ''to render assistance to those who suffer as a result of national trade policy.''

For more than 40 years, we have met that obligation through TAA, which is principally a retraining program designed to update worker skills.

The TAA program has not been static over time. Congress periodically revises the program to meet new economic realities. Most recently, in the Trade Act of 2002, Congress completed the most comprehensive overhaul and expansion of the TAA program since its inception.

I am proud to have played a leading role in passing this landmark legislation. But I am also the first to admit that our work is not done. Economic realities continue to change, and TAA must continue to change with them.

One fundamental aspect of TAA that has remained unchanged since 1962 is its focus on manufacturing. We only give TAA benefits to workers who make ''articles.''

Excluding service workers from TAA may have made sense in 1962, when most non-farm jobs were in manufacturing and most services were not traded across national borders.

But today, most American jobs are in the service sector. And the market for many services is becoming just as global as the market for manufactured goods.

In 2002, the service sector accounted for three quarters of U.S. private sector gross domestic product and nearly 80 percent of non-farm private employment.

Trade in services is a net plus for the U.S. economy. Although trade in goods continues to dominate, services accounted for 29 percent of the value of total U.S. exports in 2002 and the service sector generated a trade surplus of $74 billion.

Just as we have seen with trade in manufactured goods, however, there are winners and losers from trade. Trade in services will inevitably cost some workers their jobs.

Indeed, there have been some well-publicized examples in the papers. Software sign. Technical support. Accounting and tax preparation services. Not long ago, a group of call center workers in Kalispell, MT saw their jobs move to Canada and India.

Examples abound of service sector jobs—even high tech jobs—relocating overseas. A series of studies estimate that between a half million and over 3 million U.S. service sector jobs would be moved offshore in the next 5 to 10 years.

That doesn't mean the total number of jobs in the U.S. economy is shrinking. But the fact that jobs may be available in a different field is cold comfort to a worker whose own skills are no longer in demand.

That is why this legislation is so important. It is a simple matter of equity.

When a factory relocates to another country, those workers are eligible for TAA. But when a call center moves to another country, those workers are not eligible for TAA. They should be.

The benefits service workers will receive under this legislation would be exactly the same as those that trade-impacted manufacturing workers now receive. They include retraining, income support, job search and relocation allowance, and a health coverage tax credit.

Hard working American service workers deserve this safety net. These benefits will always be second best to a job. But they can really make a difference in helping workers make a new start.

Truthfully, I am mystified by why the President so cavalierly dropped the TAA for Services amendment and let this opportunity pass him by. His actions are entirely inconsistent with his stated desire to make trade benefit all Americans. But, sadly, this has become a pattern.

Despite the obvious benefits of the TAA program, the Bush Administration fought tooth and nail against every penny, and against every provision in what became the Trade Adjustment Assistance Reform Act of 2002. Extending TAA to service workers was one of many needed improvements that was struck in the final version of the bill.

Again in the last Congress, the extension of TAA to service workers was offered as an amendment to the JOBS Act and opposed by the Administration. It garnered 54 votes from both sides ofthe aisle—failing only on a technicality.

The world is changing and TAA must keep up with the times. Last year's Senate vote and this year's Finance Committee vote make clear that there is wide support for extending TAA to service workers. I truly believe this bill's time has come. I will work hard to move this legislation this year.

I want to thank Senators COLEMAN and WYDEN for co-sponsoring this legislation. They have been stalwart supporters in the fight to bring equity to service workers. I look forward to working with them to make TAA for service workers a reality.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1309

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trade Adjustment Assistance Equity for Service Workers Act of 2005''.

SEC. 2. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.

(a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking ''firm)'' and inserting ''firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)''.

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''agricultural firm)'' and inserting ''agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)'';

(B) in paragraph (1), by inserting ''or public agency'' after ''of the firm''; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking ''like or directly competitive with articles produced'' and inserting ''or services like or directly competitive with articles produced or services provided'';

(ii) by striking subparagraph (B) and inserting the following:

''(B)(i) there has been a shift, by such workers' firm, subdivision, or public agency to a foreign country, of production of articles, or in provision of services, like or directly competitive with articles which are produced, or services which are provided, by such firm, subdivision, or public agency; or

''(ii) such workers' firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''agricultural firm)'' and inserting ''agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)'';

(B) in paragraph (2), by inserting ''or service'' after ''related to the article''; and

(C) in paragraph (3)(A), by inserting ''or services'' after ''component parts'';

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by inserting ''or services'' after ''value-added production processes'';

(ii) by striking ''or finishing'' and inserting '', finishing, or testing'';

(iii) by inserting ''or services'' after ''for articles''; and

(iv) by inserting ''(or subdivision)'' after ''such other firm''; and

(B) in paragraph (4)—

(i) by striking ''for articles'' and inserting '', or services, used in the production of articles or in the provision of services''; and

(ii) by inserting ''(or subdivision)'' after ''such other firm''; and

(4) by adding at the end the following new subsection:

''(d) BASIS FOR SECRETARY'S DETERMINATIONS.—

''(1) INCREASED IMPORTS.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive articles or services exist if the workers' firm or subdivision or customers of the workers' firm or subdivision accounting for not less than 20 percent of the sales of the workers' firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

''(2) OBTAINING SERVICES ABROAD.—For purposes of subsection (a)(2)(B)(ii), the Secretary may determine that the workers' firm, subdivision, or public agency has obtained or is likely to obtain like or directly competitive services from a foreign country based on a certification thereof from the workers' firm, subdivision, or public agency.

''(3) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.''.

(c) TRAINING.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking ''$220,000,000'' and inserting ''$440,000,000''.

(d) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting ''or public agency'' after ''of a firm''; and

(B) by inserting ''or public agency'' after ''or subdivision'';

(2) in paragraph (2)(B), by inserting ''or public agency'' after ''the firm'';

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

(4) by inserting after paragraph (6) the following:

''(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.

''(8) The term 'service sector firm' means an entity engaged in the business of providing services.''.

(e) TECHNICAL AMENDMENT.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking '', other than subchapter D''.

SEC. 3. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES.

(a) FIRMS.—

(1) ASSISTANCE.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(A) in subsection (a), by inserting ''or service sector firm'' after ''(including any agricultural firm'';

(B) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting ''or service sector firm'' after ''any agricultural firm'';

(ii) in subparagraph (B)(ii), by inserting ''or service'' after ''of an article''; and

(iii) in subparagraph (C), by striking ''articles like or directly competitive with articles which are produced'' and inserting ''articles or services like or directly competitive with articles or services which are produced or provided''; and

(C) by adding at the end the following:

''(e) BASIS FOR SECRETARY DETERMINATION.—

''(1) INCREASED IMPORTS.—For purposes of subsection (c)(1)(C), the Secretary may determine that increases of imports of like or directly competitive articles or services exist if customers accounting for not less than 20 percent of the sales of the workers' firm certify to the Secretary that they are obtaining such articles or services from a foreign country.

''(2) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraph (1) through questionnaires or in such other manner as the Secretary determines is appropriate. The Secretary may exercise the authority under section 249 in carrying out this subsection.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''$16,000,000'' and inserting ''$32,000,000''.

(3) DEFINITION.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(A) by striking ''For purposes of'' and inserting ''(a) **FIRM**.—For purposes of''; and

(B) by adding at the end the following:

''(b) SERVICE SECTOR FIRM.—For purposes of this chapter, the term 'service sector firm' means a firm engaged in the business of providing services.''.

(b) INDUSTRIES.—Section 265(a) of the Trade Act of 1974 (19 U.S.C. 2355(a)) is amended by inserting ''or service'' after ''new product''.

(c) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended by striking ''subpena'' and inserting ''subpoena'' each place it appears in the heading and the text.

(2) TABLE OF CONTENTS.—The table of contents for the Trade Act of 1974 is amended by striking ''Subpena'' in the item relating to section 249 and inserting ''Subpoena''.

SEC. 4. MONITORING AND REPORTING.

Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the first sentence—

(A) by striking ''The Secretary'' and inserting ''(a) **MONITORING PROGRAMS**.—The Secretary'';

(B) by inserting ''and services'' after ''imports of articles'';

(C) by inserting ''and domestic provision of services'' after ''domestic production'';

(D) by inserting ''or providing services'' after ''producing articles''; and

(E) by inserting '', or provision of services,'' after ''changes in production''; and

(2) by adding at the end the following:

''(b) COLLECTION OF DATA AND REPORTS ON SERVICES SECTOR.—

''(1) SECRETARY OF LABOR.—Not later than 3 months after the date of the enactment of the Trade Adjustment Assistance Equity for Service Workers Act of 2005, the Secretary of Labor shall implement a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation of each worker.

''(2) SECRETARY OF COMMERCE.—Not later than 6 months after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and report to the Congress on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms obtaining services from firms in foreign countries.''.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date that is 60 days after the date of the enactment of this Act.

(b) SPECIAL RULE FOR CERTAIN SERVICE WORKERS.—A group of workers in a service sector firm, or subdivision of a service sector firm, or public agency (as defined in section 247 (7) and (8) of the Trade Act of 1974, as added by section 2(d) of this Act) who—

(1) would have been certified eligible to apply for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 if the amendments made by this Act had been in effect on November 4, 2002, and

(2) file a petition pursuant to section 221 of such Act within 6 months after the date of the enactment of this Act, shall be eligible for certification under section 223 of the Trade Act of 1974 if the workers' last total or partial separation from the firm or subdivision of the firm or public agency occurred on or after November 4, 2002 and before the date that is 60 days after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 180—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL EPIDERMOLYSIS BULLOSA AWARENESS WEEK TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF THE DISEASE AND TO FOSTER UNDERSTANDING OF THE IMPACT OF THE DISEASE ON PATIENTS AND THEIR FAMILIES

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 180

Whereas epidermolysis bullosa is a rare disease characterized by the presence of extremely fragile skin that results in the development of recurrent, painful blisters, open sores, and in some forms of the disease, in disfiguring scars, disabling musculoskeletal deformities, and internal blistering;

Whereas approximately 12,500 individuals in the United States are affected by the disease;

Whereas data from the National Epidermolysis Bullosa Registry indicates that of every 1,000,000 live births, 20 infants are born with the disease;

Whereas there currently is no cure for the disease;

Whereas children with the disease require almost around-the-clock care;

Whereas approximately 90 percent of individuals with epidermolysis bullosa report experiencing pain on an average day;

Whereas the skin is so fragile for individuals with the disease that even minor rubbing and day-to-day activity may cause blistering, including from activities such as writing, eating, walking, and from the seams on their clothes;

Whereas most individuals with the disease have inherited the disease through genes they receive from one or both parents;

Whereas epidermolysis bullosa is so rare that many health care practitioners have never heard of it or seen a patient with it;

Whereas individuals with epidermolysis bullosa often feel isolated because of the lack of knowledge in the Nation about the disease and the impact that it has on the body;

Whereas more funds should be dedicated toward research to develop treatments and eventually a cure for the disease; and

Whereas the last week of October would be an appropriate time to recognize National Epidermolysis Bullosa Week in order to raise public awareness about the prevalence of epidermolysis bullosa, the impact it has on families, and the need for additional research into a cure for the disease: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of epidermolysis bullosa;

(2) recognizes the need for a cure for the disease; and

(3) encourages the people of the United States and interested groups to support the week through appropriate ceremonies and activities to promote public awareness of epidermolysis bullosa and to foster understanding of the impact of the disease on patients and their families.

SENATE RESOLUTION 181—RECOGNIZING JULY 1, 2005, AS THE 100TH ANNIVERSARY OF THE FOREST SERVICE

Mr. SMITH (for himself, Mr. SALAZAR, Mr. CRAIG, Mr. CRAPO, Mr. BURNS, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 181

Whereas Congress established the Forest Service in 1905 to provide quality water and timber for the benefit of the United States;

Whereas the mission of the Forest Service has expanded to include management of national forests for multiple uses and benefits, including the sustained yield of renewable resources such as water, forage, wildlife, wood, and recreation;

Whereas the National Forest System encompasses 192,000,000 acres in 44 States, Puerto Rico, and the Virgin Islands, including 155 national forests and 20 national grasslands;

Whereas the Forest Service significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Forest Service cooperates with State, Tribal, and local governments, forest industries, other private landowners, and forest users in the management, protection, and development of forest land the Federal Government does not own;

Whereas the Forest Service participates in work, training, and education programs such as AmeriCorps, Job Corps, and the Senior Community Service Employment Program;

Whereas the Forest Service plays a key role internationally in developing sustainable forest management and biodiversity conservation for the protection and sound management of the forest resources of the world;

Whereas, from rangers to researchers and from foresters to fire crews, the Forest Service has maintained a dedicated professional workforce that began in 1905 with 500 employees and in 2005 includes more than 30,000; and

Whereas Gifford Pinchot, the first Chief of the Forest Service, fostered the idea of managing for the greatest good of the greatest number: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes July 1, 2005 as the 100th Anniversary of the Forest Service;

(2) commends the Forest Service of the Department of Agriculture for 100 years of dedicated service managing the forests of the United States;

(3) acknowledges the promise of the Forest Service to continue to preserve the natural legacy of the United States for an additional 100 years and beyond; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 990. Mr. KYL (for himself, Mr. LUGAR, Mr. LOTT, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy.

SA 991. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 992. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 993. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 994. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 995. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 996. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 997. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 998. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 999. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1000. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1001. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1002. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1003. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1004. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1005. Mr. CRAIG (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy.

SA 1006. Mr. CRAIG (for Mr. VITTER) proposed an amendment to the bill H.R. 6, supra.

SA 1007. Mr. CRAIG (for Mr. BYRD) proposed an amendment to the bill H.R. 6, supra.

SA 1008. Mr. CRAIG (for Ms. CANTWELL) proposed an amendment to the bill H.R. 6, supra.

SA 1009. Mr. CRAIG (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 6, supra.

TEXT OF AMENDMENTS

SA 889. Ms. SNOWE (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

(Submitted on Wednesday, June 22, 2005.)

On page 323, beginning with line 7, strike through line 12 on page 325 and insert the following:

SEC. 387. COORDINATION WITH FEDERAL ENERGY REGULATORY COMMISSION.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall submit a report to the Congress on the development of a memorandum of understanding with the Commissioner of the Federal Energy Regulatory Commission for a coordinated process for review of coastal energy activities that provides for—

(1) improved coordination among Federal, regional, State, and local agencies concerned with conducting reviews under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(2) coordinated schedules for such reviews that ensures that, where appropriate the reviews are performed concurrently.

SEC. 387A. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This section and sections 387B through 387T of this Act may be cited as the ''Coastal Zone Enhancement Reauthorization Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for the Coastal Zone Enhancement Reauthorization Act of 2005 is as follows:

Sec. 387A. Short title; table of contents.
Sec. 387B. Amendment of Coastal Zone Management Act of 1972.
Sec. 387C. Findings.
Sec. 387D. Policy.
Sec. 387E. Changes in definitions.
Sec. 387F. Reauthorization of management program development grants.
Sec. 387G. Administrative grants.
Sec. 387H. Coastal resource improvement program.
Sec. 387I. Certain Federal agency activities.
Sec. 387J. Coastal zone management fund.
Sec. 387K. Coastal zone enhancement grants.
Sec. 387L. Coastal community program.
Sec. 387M. Technical assistance; resources assessments; information systems.
Sec. 387N. Performance review.
Sec. 387O. Walter B. Jones awards.
Sec. 387P. National Estuarine Research Reserve System.
Sec. 387Q. Coastal zone management reports.
Sec. 387R. Authorization of appropriations.
Sec. 387S. Deadline for decision on appeals of consistency determination.
Sec. 387T. Sense of Congress.

SEC. 387B. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT OF 1972.

Except as otherwise expressly provided, whenever in sections 387C through 387T of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 387C. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting ''ports,'' in paragraph (3) (as so redesignated) after ''fossil fuels,'';

(3) by inserting ''including coastal waters and wetlands,'' in paragraph (4) (as so redesignated) after ''zone,'';

(4) by striking ''therein,'' in paragraph (4) (as so redesignated) and inserting ''dependent on that habitat,'';

(5) by striking ''well-being'' in paragraph (5) (as so redesignated) and inserting ''quality of life'';

(6) by inserting ''integrated plans and strategies,'' after ''including'' in paragraph (9) (as so redesignated);

(7) by striking paragraph (11) (as so redesignated) and inserting the following:

''(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved.''; and

(8) by adding at the end thereof the following:

''(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.

''(15) The establishment of a national system of estuarine research reserves will provide for protection of essential estuarine resources, as well as for a network of State-based reserves that will serve as sites for coastal stewardship best-practices, monitoring, research, education, and training to improve coastal management and to help translate science and inform coastal decisionmakers and the public.''.

SEC. 387D. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking ''the states'' in paragraph (2) and inserting ''state and local governments'';

(2) by inserting ''plans, and strategies'' after ''programs,'' in paragraph (2);

(3) by striking ''waters,'' each place it appears in paragraph (2)(C) and inserting ''waters and habitats,'';

(4) by striking ''agencies and state and wildlife agencies; and'' in paragraph (2)(J) and inserting ''and wildlife management; and'';

(5) by inserting ''cooperation, coordination, and effectiveness'' after ''specificity,'' in paragraph (3);

(6) by inserting ''other countries,'' after ''agencies,'' in paragraph (5);

(7) by striking ''and'' at the end of paragraph (5);

(8) by striking ''zone.'' in paragraph (6) and inserting ''zone;''; and

(9) by adding at the end thereof the following:

''(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship through State-based conservation, monitoring, research, education, outreach, and training; and

''(8) to encourage the development, application, training, technical assistance, and transfer of innovative coastal management practices and coastal and estuarine environmental technologies and techniques to improve understanding and management decisionmaking for the long-term conservation of coastal ecosystems.''.

SEC. 387E. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking ''and the Trust Territories of the Pacific Islands,'' in paragraph (4);

(2) in paragraph (6)—

(A) by inserting ''(ix) use or reuse of facilities authorized under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for energy-related purposes or other authorized marine related purposes;'' after ''transmission facilities;''; and

(B) by striking ''and (ix)'' and inserting ''and (x);

(3) by striking paragraph (8) and inserting the following:

''(8) The terms 'estuarine reserve' and 'estuarine research reserve' mean a coastal protected area that—

''(A) may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary;

''(B) constitutes to the extent feasible a natural unit; and

''(C) is established to provide long-term opportunities for conducting scientific studies and monitoring and educational and training programs that improve the understanding, stewardship, and management of estuaries and improve coastal decisionmaking.'';

(4) by inserting ''plans, strategies,'' after ''policies,'' in paragraph (12);

(5) in paragraph (13)—

(A) by inserting ''or alternative energy sources on or'' after ''natural gas'';

(B) by striking ''new or expanded'' and inserting ''new, reused, or expanded''; and

(C) by striking ''or production.'' and inserting ''production, or other energy related purposes.'';

(6) by inserting ''incentives, guidelines,'' after ''policies,'' in paragraph (17); and

(7) by adding at the end the following:

''(19) The term 'coastal nonpoint pollution control strategies and measures' means strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

''(20) The term 'qualified local entity' means—

''(A) any local government;

''(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334 (a)(1));

''(C) any regional agency;

''(D) any interstate agency;

''(E) any nonprofit organization; or

''(F) any reserve established under section 315.''.

SEC. 387F. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

''SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

''(a) STATES WITHOUT PROGRAMS.—In fiscal years 2006 and 2007, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed $200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

''(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306.''.

SEC. 387G. ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by striking ''administering that State's management program'' and inserting ''administering and implementing that State's management program and any plans, projects, or activities developed pursuant to such program, including developing and implementing applicable coastal nonpoint pollution control program components,''.

(b) EQUITABLE ALLOCATION OF FUNDING.—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof ''In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.

(c) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking ''less than fee simple'' and inserting ''other''.

(d) CONFORMING AMENDMENT.—Section 306(d)(13)(B) (16 U.S.C. 1455(d)(13)(B)) is amended by inserting ''policies, plans, strategies,'' after ''specific''.

SEC. 387H. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting ''or other important coastal habitats'' in subsection (b)(1)(A) after ''306(d)(9)'';

(2) by inserting ''or historic'' in subsection (b)(2) after ''urban'';

(3) by adding at the end of subsection (b) the following:

''(5) The coordination and implementation of approved coastal nonpoint pollution control plans, strategies, and measures.

''(6) The preservation, restoration, enhancement or creation of coastal habitats.'';

(4) by inserting ''planning,'' before ''engineering'' in subsection (c)(2)(D);

(5) by striking ''and'' after the semicolon in subsection (c)(2)(D);

(6) by striking ''section.'' in subsection (c)(2)(E) and inserting ''section;'';

(7) by adding at the end of subsection (c)(2) the following:

''(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

''(G) the coordination and implementation of approved coastal nonpoint pollution control plans, strategies, measures.''; and

(8) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

''(d) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) IN GENERAL.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

''(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

''(C) the Federal funding for the project shall be a portion of that state's annual allocation under section 306(a).

''(2) USE OF FUNDS.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

''(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

''(f) ASSISTANCE.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).''.

SEC. 387I. CERTAIN FEDERAL AGENCY ACTIVITIES.

Section 307(c)(1) (16 U.S.C. 1456(c)(1)) is amended by adding at the end the following:

''(D) The provisions of paragraph (1)(A), and implementing regulations thereunder,

with respect to a Federal agency activity inland of the coastal zone of the State of Alaska apply only if the activity directly and significantly affects a land or water use or a natural resource of the Alaskan coastal zone.''.

SEC. 387J. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as follows:

''(2) Loan repayments made under this subsection shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b) and shall be made available to the States for grants as under subsection (b)(2).

(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) Subject to appropriation Acts, amounts in the Fund shall be available to the Secretary to make grants to the States for—

''(A) projects to address coastal and ocean management issues which are regional in scope, including intrastate and interstate projects; and

''(B) projects that have high potential for improving coastal zone and watershed management.

''(3) Projects funded under this subsection shall apply an integrated, watershed-based management approach and advance the purpose of this Act to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations.''.

SEC. 387K. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

''(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.'';

(2) by inserting ''and removal'' after ''entry'' in subsection (a)(4);

(3) by striking ''on various individual uses or activities on resources, such as coastal wetlands and fishery resources.'' in subsection (a)(5) and inserting ''of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.'';

(4) by adding at the end of subsection (a) the following:

''(10) Development and enhancement of coastal nonpoint pollution control program components, strategies, and measures, including the satisfaction of conditions placed on such programs as part of the Secretary's approval of the programs.

''(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.'';

(5) by striking ''changes'' and inserting ''changes, or for projects that demonstrate significant potential for improving ocean resource management or integrated coastal and watershed management at the local, state or regional level,'';

(6) by striking ''proposals, taking into account the criteria established by the Secretary under subsection (d).'' in subsection (c) and inserting ''proposals.'';

(7) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(8) by striking ''in implementing this section, up to a maximum of $10,000,000 annually'' in subsection (f) and inserting ''for grants to the States.''; and

(9) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 387L. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

''SEC. 309A. COASTAL COMMUNITY PROGRAM.

''(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

''(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

''(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

''(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

''(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

''(A) revitalize previously developed areas;

''(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

''(C) emphasize water-dependent uses; and

''(D) protect coastal waters and habitats; and

''(5) to assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.''.

''(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

''(1) have a management program approved under section 306; and

''(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

''(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) ALLOCATION.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

''(2) APPLICATION; MATCHING.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

''(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

''(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—

''(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

''(2) ASSURANCES.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state's approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

''(e) ASSISTANCE.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).''.

SEC. 387M. TECHNICAL ASSISTANCE; RESOURCES ASSESSMENTS; INFORMATION SYSTEMS.

(a) IN GENERAL.—Section 310 (16 U.S.C. 1456c) is amended—

(1) by inserting ''(1)'' before ''The Secretary'' in subsection (a);

(2) by striking ''assistance'' in subsection (a) and inserting ''assistance, technology and methodology development, training and information transfer, resources assessment, and'';

(3) by adding at the end of subsection (a) the following:

''(2) Each department, agency, and instrumentality of the executive branch of the Federal Government may assist the Secretary, on a reimbursable basis or otherwise, in carrying out the purposes of this section, including the furnishing of information to the extent permitted by law, the transfer of personnel with their consent and without prejudice to their position and rating, and the performance of any research, study, and technical assistance which does not interfere with the performance of the primary duties of such department, agency, or instrumentality. The Secretary may enter into contracts or other arrangements with any qualified person for the purposes of carrying out this subsection.'';

(4) by striking ''and research activities,'' in subsection (b)(1) and inserting ''research activities, and other support services and activities'';

(5) by inserting after ''Secretary.'' in subsection (b)(1) the following: ''The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program, and to support the development, application, training and technical assistance, and transfer of effective coastal management practices. The Secretary may make extramural grants in carrying out the purpose of this subsection.'';

(6) by inserting after ''section.'' in subsection (b)(3) the following: ''The Secretary shall establish regional advisory committees including representatives of the Governors of each state within the region, universities, colleges, coastal and marine laboratories, Sea Grant College programs within the region and representatives from the private and public sector with relevant expertise. The Secretary will report to the regional advisory committees on activities undertaken by the Secretary and other agencies pursuant to this section, and the regional advisory committees shall identify research, technical assistance and information needs and priorities. The regional advisory committees are not subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).''; and

(7) by adding at the end the following:

''(c)(1) The Secretary shall consult with the regional advisory committees concerning the development of a coastal resources assessment and information program to support development and maintenance of integrated coastal resource assessments of state natural, cultural and economic attributes, and coastal information programs for the collection and dissemination of data and information, product development, and outreach based on the needs and priorities of coastal and ocean managers and user groups.

''(2) The Secretary shall assist coastal states in identifying and obtaining financial and technical assistance from other Federal agencies and may make grants to states in carrying out the purpose of this section and to provide ongoing support for state resource assessment and information programs.''.

(b) CONFORMING AMENDMENT.—The section heading for section 310 (16 U.S.C. 1456c) is amended to read as follows:

"SEC. 310. TECHNICAL ASSISTANCE, RESOURCES ASSESSMENTS, AND INFORMATION SYSTEMS.

SEC. 387N. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended—

(1) by striking ''continuing review of the performance'' and inserting ''periodic review, no less frequently than every 5 years, of the administration, implementation, and performance'';

(2) by striking ''management.'' and inserting ''management programs.'';

(3) by striking ''has implemented and enforced'' and inserting ''has effectively administered, implemented, and enforced'';

(4) by striking ''addressed the coastal management needs identified'' and inserting ''furthered the national coastal policies and objectives set forth'' after ''Secretary,''; and

(5) by inserting ''coordinated with National Estuarine Research Reserves in the state'' after ''303(2)(A) through (K),''.

SEC. 387O. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking ''shall, using sums in the Coastal Zone Management Fund established under section 308'' in subsection (a) and inserting ''may, using sums available under this Act'';

(2) by striking ''field.'' in subsection (a) and inserting the following: ''field of coastal zone management. These awards, to be known as the 'Walter B. Jones Awards', may include—

''(1) cash awards in an amount not to exceed $5,000 each;

''(2) research grants; and

''(3) public ceremonies to acknowledge such awards.'';

(3) by striking ''shall elect annually—'' in subsection (b) and inserting ''may select annually if funds are available under subsection (a)—''; and

(4) by striking subsection (e).

SEC. 387P. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking ''consists of—'' and inserting ''is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation's estuarine and coastal areas through interconnected programs in resource stewardship, education and training, monitoring, research, and scientific understanding consisting of—''.

(b) Section 315(b)(2) ((16 U.S.C. 1461(b)(2)) is amended—

(1) by inserting ''for each coastal state or territory'' after ''research'' in subparagraph (A);

(2) by striking ''public awareness and'' in subparagraph (C) and inserting ''state coastal management, public awareness, and''; and

(3) by striking ''public education and interpretation; and''; in subparagraph (C) and inserting ''education, interpretation, training, and demonstration projects; and''.

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking ''RESEARCH'' in the subsection caption and inserting ''RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP'';

(2) by striking ''conduct of research'' and inserting ''conduct of research, education, and resource stewardship'';

(3) by striking ''coordinated research'' in paragraph (1)) and inserting ''coordinated research, education, and resource stewardship'';

(4) by striking ''research'' before ''principles'' in paragraph (2);

(5) by striking ''research programs'' in paragraph (2) and inserting ''research, education, and resource stewardship programs'';

(6) by striking ''research'' before ''methodologies'' in paragraph (3);

(7) by striking ''data,'' in paragraph (3) and inserting ''information,'';

(8) by striking ''research'' before ''results'' in paragraph (3);

(9) by striking ''research purposes;'' in paragraph (3) and inserting ''research, education, and resource stewardship purposes;'';

(10) by striking ''research efforts'' in paragraph (4) and inserting ''research, education, and resource stewardship efforts'';

(11) by striking ''research'' in paragraph (5) and inserting ''research, education, and resource stewardship''; and

(12) by striking ''research'' in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking ''ESTUARINE RESEARCH.—'' in the subsection caption and inserting ''ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—'';

(2) by striking ''research purposes'' and inserting ''research, education, and resource stewardship purposes'';

(3) by striking paragraph (1) and inserting the following:

''(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and'';

(4) by striking ''research.'' in paragraph (2) and inserting ''research, education, and resource stewardship activities.''; and

(5) by adding at the end thereof the following:

''(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.''.

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking ''reserve,'' in paragraph (1)(A)(i) and inserting ''reserve; and'';

(2) by striking ''and constructing appropriate reserve facilities, or'' in paragraph (1)(A)(ii) and inserting ''including resource stewardship activities and constructing reserve facilities; and'';

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

''(B) to any coastal state or public or private person for purposes of—

''(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

''(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).'';

(5) by striking ''therein or $5,000,000, whichever amount is less.'' in paragraph (3)(A) and inserting ''therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.'';

(6) by striking ''and (iii)'' in paragraph (3)(B);

(7) by striking ''paragraph (1)(A)(iii)'' in paragraph (3)(B) and inserting ''paragraph (1)(B)'';

(8) by striking ''entire System.'' in paragraph (3)(B) and inserting ''System as a whole.''; and

(9) by adding at the end thereof the following:

''(4) The Secretary may—

''(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

''(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.''.

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting ''coordination with other state programs established under sections 306 and 309A,'' after ''including''.

SEC. 387Q. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking ''to the President for transmittal'' in subsection (a);

(2) by striking ''zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;'' and inserting ''zone;'' in the provision designated as (10) in subsection (a);

(3) by inserting ''education,'' after the ''studies,'' in the provision designated as (12) in subsection (a);

(4) by striking ''Secretary'' in the first sentence of subsection (c)(1) and inserting ''Secretary, in consultation with coastal states, and with the participation of affected Federal agencies,'';

(5) by striking the second sentence of subsection (c)(1) and inserting the following: ''The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.'';

(6) by striking ''shall promptly'' in subsection (c)(2) and inserting ''shall, within 4 years after the date of enactment of the Coastal Zone Enhancement Reauthorization Act of 2005,''; and

(7) by adding at the end of subsection (c)(2) the following: ''If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.''.

SEC. 387R. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) for grants under sections 306, 306A, and 309—

''(A) $90,500,000 for fiscal year 2006,

''(B) $94,000,000 for fiscal year 2007,

''(C) $98,000,000 for fiscal year 2008,

''(D) $102,000,000 for fiscal year 2009, and

''(E) $106,000,000 for fiscal year 2010;

''(2) for grants under section 309A—

''(A) $29,000,000 for fiscal year 2006,

''(B) $30,000,000 for fiscal year 2007,

''(C) $31,000,000 for fiscal year 2008,

''(D) $32,000,000 for fiscal year 2009, and

''(E) $32,000,000 for fiscal year 2010,

of which $10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

''(3) for grants under section 315—

''(A) $37,000,000 for fiscal year 2006,

''(B) $38,000,000 for fiscal year 2007,

''(C) $39,000,000 for fiscal year 2008,

''(D) $40,000,000 for fiscal year 2009, and

''(E) $41,000,000 for fiscal year 2010,

of which up to $15,000,000 may be used by the Secretary in each of fiscal years 2006 through 2010 for grants to fund construction and acquisition projects at estuarine reserves designated under section 315;

''(4) for costs associated with administering this title, $7,500,000 for fiscal year 2006 and such sums as are necessary for fiscal years 2007 through 2010.''; and

''(5) for grants under section 310 to support State pilot projects to implement resource

assessment and information programs, $6,000,000 for each of fiscal years 2006 and 2007.'';

(2) by striking ''306 or 309.'' in subsection (b) and inserting ''306.'';

(3) by striking ''during the fiscal year, or during the second fiscal year after the fiscal year, for which'' in subsection (c) and inserting ''within 3 years from when'';

(4) by striking ''under the section for such reverted amount was originally made available.'' in subsection (c) and inserting ''to states under this Act.''; and

(5) by adding at the end thereof the following:

''(d) PURCHASE OF OTHERWISE UNAVAILABLE FEDERAL PRODUCTS AND SERVICES.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

''(e) RESTRICTIONS ON USE OF AMOUNTS.—

''(1) USE OF AMOUNTS FOR PROGRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except for funds appropriated under subsection (a)(4), shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.

''(2) GRANTS TO STATES.—Funds appropriated pursuant to subsections (a)(1) and (a)(2) shall be made available only for grants to States.''.

SEC. 387S. DEADLINE FOR DECISION ON APPEALS OF CONSISTENCY DETERMINATION.

(a) IN GENERAL.—Section 319 (16 U.S.C. 1465) is amended to read as follows:

''SEC. 319. APPEALS TO THE SECRETARY.

''(a) NOTICE.—Not later than 30 days after the date of the filing of an appeal to the Secretary of a consistency determination under section 307, the Secretary shall publish an initial notice in the Federal Register.

''(b) CLOSURE OF RECORD.—

''(1) IN GENERAL.—Not later than the end of the 270-day period beginning on the date of publication of an initial notice under subsection (a), except as provided in paragraph (3), the Secretary shall immediately close the decision record and receive no more filings on the appeal.

''(2) NOTICE.—After closing the administrative record, the Secretary shall immediately publish a notice in the Federal Register that the administrative record has been closed.

''(3) EXCEPTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), during the 270-day period described in paragraph (1), the Secretary may stay the closing of the decision record—

''(i) for a specific period mutually agreed to in writing by the appellant and the State agency; or

''(ii) as the Secretary determines necessary to receive, on an expedited basis—

''(I) any supplemental information specifically requested by the Secretary to complete a consistency review under this Act; or

''(II) any clarifying information submitted by a party to the proceeding related to information already existing in the sole record.

''(B) APPLICABILITY.—The Secretary may only stay the 270-day period described in paragraph (1) for a period not to exceed 60 days.

''(c) DEADLINE FOR DECISION.—

''(1) IN GENERAL.—Not later than 90 days after the date of publication of a Federal Register notice stating when the decision record for an appeal has been closed, the Secretary shall issue a decision or publish a notice in the Federal Register explaining why a decision cannot be issued at that time.

''(2) SUBSEQUENT DECISION.—Not later than 45 days after the date of publication of a Federal Register notice explaining why a decision cannot be issued within the 90-day period, the Secretary shall issue a decision.''.

SEC. 387T. SENSE OF CONGRESS.

It is the sense of Congress that the Undersecretary for Oceans and Atmosphere should re-evaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

SA 990. Mr. KYL (for himself, Mr. LUGAR, Mr. LOTT, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 621. MEDICAL ISOTOPE PRODUCTION: NONPROLIFERATION, ANTITERRORISM, AND RESOURCE REVIEW.

(a) DEFINITIONS.—In this section:

(1) HIGHLY ENRICHED URANIUM FOR MEDICAL ISOTOPE PRODUCTION.—The term ''highly enriched uranium for medical isotope production'' means highly enriched uranium contained in, or for use in, targets to be irradiated for the sole purpose of producing medical isotopes.

(2) MEDICAL ISOTOPES.—The term ''medical isotopes'' means radioactive isotopes, including molybdenum-99, that are used to produce radiopharmaceuticals for diagnostic or therapeutic procedures on patients.

(b) STUDY.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences for the conduct of a study of issues associated with section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d), including issues associated with the implementation of that section.

(2) CONTENTS.—The study shall include an analysis of—

(A) the effectiveness to date of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) in facilitating the conversion of foreign reactor fuel and targets to low-enriched uranium, which reduces the risk that highly enriched uranium will be diverted and stolen;

(B) the degree to which isotope producers that rely on United States highly enriched uranium are complying with the intent of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) to expeditiously convert targets to low-enriched uranium;

(C) the adequacy of physical protection and material control and accounting measures at foreign facilities that receive United States highly enriched uranium for medical isotope production, in comparison to Nuclear Regulatory Commission regulations and Department administrative requirements;

(D) the likely consequences of an exemption of highly enriched uranium exports for medical isotope production from section 134(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2160d(a)) for—

(i) United States efforts to eliminate highly enriched uranium commerce worldwide through the support of the Reduced Enrichment in Research and Test Reactors program; and

(ii) other United States nonproliferation and antiterrorism initiatives;

(E) incentives that could supplement the incentives of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) to further encourage foreign medical isotope producers to convert from highly enriched uranium to low-enriched uranium;

(F) whether implementation of section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) has ever caused, or is likely to cause, an interruption in the production and supply of medical isotopes in needed quantities;

(G) whether the United States supply of isotopes is sufficiently diversified to withstand an interruption of production from any 1 supplier, and, if not, what steps should be taken to diversify United States supply; and

(H) any other aspects of implementation of section 134 of of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) that have a bearing on Federal nonproliferation and antiterrorism laws (including regulations) and policies.

(3) TIMING; CONSULTATION.—The National Academy of Sciences study shall be—

(A) conducted in full consultation with the Secretary of State, the staff of the Reduced Enrichment in Research and Test Reactors program at Argonne National Laboratory, and other interested organizations and individuals with expertise in nuclear nonproliferation; and

(B) submitted to Congress not later than 18 months after the date of enactment of this Act.

SA 991. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

SEC. 13____. STUDY OF FEASIBILITY AND EFFECTS OF NATURAL GAS-ONLY LEASING.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall initiate a study of the feasibility and effects of offering a natural gas-only option as part of lease sales held in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(b) SUBJECTS OF THE STUDY.—The study under this section shall include—

(1) an examination of what constitutes gas, condensate, and oil;

(2) an examination of what constitutes the rights and obligations of a lessee regarding condensate produced in association with a natural gas-only lease; and

(3) an analysis of the potential effects of offering a natural gas-only option as part of a lease sale on—

(A) natural gas supplies;

(B) total hydrocarbon production; and

(C) industry interest.

(c) REPORT.—Not later than 1 year after the date of initiation of the study under this section, the Secretary shall submit to Congress a report on the findings, conclusion, and recommendations of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 992. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 6 and all that follows through page 2, line 3, and insert the following:

Power Act (16 U.S.C. 824k(j)) is amended by striking ''October 1, 1991'' and inserting ''April 1, 2005''.

SA 993. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 3, Line 18–20, strike ''the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i),'' and replace with ''the consent of the Governors and State Legislatures of all other States in the Union''
2. On page 4, after ''and'' insert ''the Governors of all other States in the Union''
3. On page 5, line 17, after ''any'' insert ''time and with the consent of all other States in the Union''
4. On page 10, Line 18, strike ''20 miles'' and replace with ''4,000'' miles''
5. On page 10, Line 25, strike ''20 miles'' and replace with ''4,000'' miles''
6. On page 11, strike lies 3–20
7. On page 11, Line 9, strike ''25 percent'' and replace with ''0.1 percent''
8. On page 11, Line 14, strike ''25 percent'' and replace with ''0.1 percent''
19. On page 12, Line 2, strike ''12.5 percent'' and replace with ''0.1 percent''
10. On page 12, Line 4, strike ''$1,250,000,000'' and replace with ''$500,000''

SA 994. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 3, strike Line 18, and insert ''the consent of the Governor and State Legislatures of all other states in the Union''

SA 995. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 3, Line 18–20, strike ''the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i),'' and replace with ''the consent of the Governors and State Legislatures of all other States in the Union''
2. On page 4, after ''and'' insert'' the ''the Governors of all other States in the Union''
3. On page 5, line 17, after ''any'' insert ''time and with the consent of all other States in the Union''
4. On page 7, Line 14, strike ''may'' and replace with ''may, with the consent of all other States in the Union,''
5. On page 7, Line 18, replace ''State,'' with ''State.''
6. On page 7, Lines 18–20, strike ''in accordance with the lateral boundaries delineated under paragraph (2)(B)(i)
7. On page 9, Line 13, strike ''without'' and replace with ''with''
8. On page 9, Line 14, strike ''with any State'' and replace with ''with every State in the Union''
9. On page 10, Line 16, strike ''20 miles'' and replace with ''4,000'' miles''
10. On page 10, Line 17, strike ''(or the boundaries of the State as delineated under paragraph (2)(B)),''
11. On page 10, Line 25, strike ''20 miles'' and replace with ''4,000 miles''
12. On page 11, strike lines 3–20
13. On page 12, Line 2, strike ''12.5 percent'' and replace with ''0.1 percent''
14. On page 12, Line 4, strike ''$1,250,000,000'' and replace with ''$500,000''

SA 996. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 3, Line 18–20, strike ''the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i),'' and replace with ''the consent of the Governors and State Legislatures of all other States in the Union''
2. On page 4, after ''and'' insert'' the ''the Governors of all other States in the Union''
3. On page 5, line 17, after ''any'' insert ''time and with the consent of all other States in the Union''
4. On page 7, Line 14, strike ''may'' and replace with ''may, with the consent of all other States in the Union,''
5. On page 7, Line 18, replace ''State,'' with ''State.''
6. On page 7, Lines 18–20, strike ''in accordance with the lateral boundaries delineated under paragraph (2)(B)(i)
7. On page 9, Line 13, strike ''without'' and replace with ''with''
8. On page 9, Line 14, strike ''with any State'' and replace with ''with every State in the Union''
9. On page 10, Line 16, strike ''20 miles'' and replace with ''4,000'' miles''
10. On page 10, Line 17, strike ''(or the boundaries of the State as delineated under paragraph (2)(B)),''
11. On page 10, Line 25, strike ''20 miles'' and replace with ''4,000 miles''
12. On page 11, Line 9, strike ''25 percent'' and replace with ''0.1 percent''
13. On page 11, Line 14, strike ''25 percent'' and replace with ''0.1 percent''
14. On page 12, Line 2, strike ''12.5 percent'' and replace with ''0.1 percent''
15. On page 12, Line 4, strike ''$1,250,000,000'' and replace with ''$500,000''

SA 997. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

1. On page 3, line 18–20, strike ''the consent of the Governor of the State adjacent to the lease area, as determined under section 18(i)(2)(B)(i),'' and replace with ''the consent of the Governors and State Legislatures of all other States in the Union with a coast''.
2. On page 4, after ''and'' insert ''the Governors of all other States in the Union with a coast''.
3. On page 5, line 17, after ''any'' insert ''time and with the consent of all other States in the Union with a coast''.
4. On page 7, line 14, strike ''may'' and replace with ''may, with the consent of all other States in the Union with a coast''.
5. On page 7, line 18, replace ''State,'' with ''State.''
6. On page 7, lines 18–20, strike ''in accordance with the lateral boundaries delineated under paragraph (2)(B)(i).
7. On page 9, line 13, strike ''without'' and replace with ''with''.
8. On page 9, line 14, strike ''with any State'' and replace with ''with every State with a coast''.
9. On page 10, line 16, strike ''20 miles'' and replace with ''4,000'' miles''.
10. On page 10, line 17, strike ''(or the boundaries of the State as delineated under paragraph (2)(B))''.
11. On page 10, line 25, strike ''20 miles'' and replace with ''4,000 miles''.
12. On page 11, line 9, strike ''25 percent'' and replace with ''0.1 percent''.
13. On page 11, line 14, strike ''25 percent'' and replace with ''0.1 percent''.
14. On page 12, line 2, strike ''12.5 percent'' and replace with ''0.1 percent''.
15. On page 12, line 4, strike ''$1,250,000,000'' and replace with ''$500,000''.

SA 999. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7: ''April 1, 2005'', and insert ''October 1, 1991.''

SA 1000. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 12, strike line 16 and insert the following:

''(5) MORATORIA OPT OUT REQUIREMENTS.—Any State with a legislative outer Continental Shelf moratorium on leasing, preleasing, and related activities protecting Federal waters adjoining the coastline of the State through the congressional appropriations process as of January 1, 2002, may opt out of the moratorium after the date of enactment of the Energy Policy Act of 2005 with respect to any portion of the coastal waters of the State only with—

''(A) the explicit concurrence of the Governor of the State and the State legislature and the Governors and State legislatures of the 2 coastal States adjoining the State; and

''(B) the concurrence of the Regional Fishery Management Council with jurisdiction over the living marine resources in Federal waters adjacent to the affected State.

''(6) USE OF FUNDS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any

amount derived from lease bonuses or royalty payments under this subsection conveyed to States and political subdivisions of any producing State or any other State, shall only be used for mitigation measures and environmental restoration projects that—

''(i) have been subject to comprehensive review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) ; and

''(ii) specifically repair and restore the adverse physical and pollution impacts of onshore and offshore oil and gas facilities, transportation facilities, and related operations associated with Federal offshore oil and gas leasing, exploration, and development activities.

''(B) LIMITATION.—No funds made available to States or political subdivisions under this or any related revenue-sharing subsection may be used for—

''(i) the construction, design, or permitting ofindustrial infrastructure projects; or

''(ii) projects that further harm the coastal zone of the affected State or any adjoining State or adjacent offshore waters.

''(7) LIABILITY.—

''(A) IN GENERAL.—The State subject to an approved petition under this subsection shall be liable for any damages to coastal natural resources and ecosystems of adjoining or nearby States resulting from offshore oil and gas leasing, exploration, development, or transportation activities conducted in any Federal or State portion of the area of the outer Continental Shelf made available for leasing under this subsection.

''(B) INDEMNIFICATION.—The United States may not indemnify a State from liability under this subsection.

''(8) APPLICATION.—This subsection shall not

SA 1001. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 211. WASTE-DERIVED ETHANOL AND BIODIESEL.

Section 312(f)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)(1)) is amended—

(1) by striking '''biodiesel' means'' and inserting the following: '''biodiesel'—

''(A) means''; and

(2) in subparagraph (A) (as designated by paragraph (1)) by striking ''and'' at the end and inserting the following:

''(B) includes ethanol and biodiesel derived from—

''(i) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

''(ii) municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater; and''.

SA 1002. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by 1.7 percent.

SA 1003. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Any limitation, directive, or earmarking contained in either the House or Senate report must also be included in the conference report in order to be considered as having been approved by both Houses of Congress.

SA 1004. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 233, line 9, strike ''126,264,000'' and insert ''121,264,000''.

On page 130, line 24, strike ''766,564,000'' and insert ''771,564,000''.

SA 1005. Mr. CRAIG (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

At the end of subtitle H of title II, add the following:

SEC. 2___. ENERGY POLICY AND CONSERVATION TECHNICAL CORRECTION.

Section 609(c)(4) of the Public Utility Regulatory Policies Act of 1978 (as added by section 291) is amended by striking ''of 1954 (42 U.S.C. 6303)'' and inserting ''(42 U.S.C. 6303(d))''.

SA 1006. Mr. CRAIG (for Mr. VITTER) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 755, after line 25, insert the following:

SEC. 13___. SCIENCE STUDY ON CUMULATIVE IMPACTS OF MULTIPLE OFFSHORE LIQUEFIED NATURAL GAS FACILITIES.

(a) IN GENERAL.—The Secretary (in consultation with the National Oceanic Atmospheric Administration, the Commandant of the Coast Guard, affected recreational and commercial fishing industries and affected energy and transportation stakeholders) shall carry out a study and compile existing science (including studies and data) to determine the risks or benefits presented by cumulative impacts of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the Gulf of Mexico using the open-rack vaporization system.

(b) ACCURACY.—In carrying out subsection (a), the Secretary shall verify the accuracy of available science and develop a science-based evaluation of significant short-term and long-term cumulative impacts, both adverse and beneficial, of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the Gulf of Mexico using or proposing the open-rack vaporization system on the fisheries and marine populations in the vicinity of the facility.

SA 1007. Mr. CRAIG (for Mr. BYRD) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

Beginning on page 328, strike line 13 and all that follows through page 337, line 6, and insert the following:

Subtitle A—Clean Coal Power Initiative

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) CLEAN COAL POWER INITIATIVE.—There is authorized to be appropriated to the Secretary to carry out the activities authorized by this subtitle $200,000,000 for each of fiscal years 2006 through 2012, to remain available until expended.

(b) REPORT.—Not later than March 31, 2006, the Secretary shall submit to Congress a report that includes a 10-year plan containing—

(1) a detailed assessment of whether the aggregate assistance levels provided under subsection (a) are the appropriate assistance levels for the clean coal power initiative;

(2) a detailed description of how proposals for assistance under the clean coal power initiative will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued under the clean coal power initiative; and

(4) a detailed description of how the clean coal power initiative will avoid problems enumerated in Government Accountability Office reports on the Clean Coal Technology Program of the Department, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

SEC. 402. PROJECT CRITERIA.

(a) IN GENERAL.—To be eligible to receive assistance under this subtitle, a project shall advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in commercial service or have been demonstrated on a scale that the Secretary determines is sufficient to demonstrate that commercial service is viable as of the date of enactment of this Act.

(b) TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.—

(1) GASIFICATION PROJECTS.—

(A) IN GENERAL.—In allocating the funds made available under section 401(a), the Secretary shall ensure that at least 80 percent of the funds are used only to fund projects on coal-based gasification technologies, including—

(i) gasification combined cycle;

(ii) gasification fuel cells and turbine combined cycle;

(iii) gasification coproduction; and

(iv) hybrid gasification and combustion.

(B) TECHNICAL MILESTONES.—

(i) PERIODIC DETERMINATION.—

(I) IN GENERAL.—The Secretary shall periodically set technical milestones specifying the emission and thermal efficiency levels that coal gasification projects under this subtitle shall be designed, and reasonably expected, to achieve.

(II) PRESCRIPTIVE MILESTONES.—The technical milestones shall become more prescriptive during the period of the clean coal power initiative.

(ii) 2020 GOALS.—The Secretary shall establish the periodic milestones so as to achieve by the year 2020 coal gasification projects able—

(I) to remove at least 99 percent of sulfur dioxide;

(II) to emit not more than .05 lbs of NO_x per million Btu;

(III) to achieve at least 95 percent reductions in mercury emissions; and

(IV) to achieve a thermal efficiency of at least—

(aa) 50 percent for coal of more than 9,000 Btu;

(bb) 48 percent for coal of 7,000 to 9,000 Btu; and

(cc) 46 percent for coal of less than 7,000 Btu.

(2) OTHER PROJECTS.—

(A) ALLOCATION OF FUNDS.—The Secretary shall ensure that up to 20 percent of the funds made available under section 401(a) are used to fund projects other than those described in paragraph (1).

(B) TECHNICAL MILESTONES.—

(i) PERIODIC DETERMINATION.—

(I) IN GENERAL.—The Secretary shall periodically establish technical milestones specifying the emission and thermal efficiency levels that projects funded under this paragraph shall be designed, and reasonably expected, to achieve.

(II) PRESCRIPTIVE MILESTONES.—The technical milestones shall become more prescriptive during the period of the clean coal power initiative.

(ii) 2020 GOALS.—The Secretary shall set the periodic milestones so as to achieve by the year 2020 projects able—

(I) to remove at least 97 percent of sulfur dioxide;

(II) to emit no more than .08 lbs of NO_x per million Btu;

(III) to achieve at least 90 percent reductions in mercury emissions; and

(IV) to achieve a thermal efficiency of at least—

(aa) 43 percent for coal of more than 9,000 Btu;

(bb) 41 percent for coal of 7,000 to 9,000 Btu; and

(cc) 39 percent for coal of less than 7,000 Btu.

(3) CONSULTATION.—Before setting the technical milestones under paragraphs (1)(B) and (2)(B), the Secretary shall consult with—

(A) the Administrator of the Environmental Protection Agency; and

(B) interested entities, including—

(i) coal producers;

(ii) industries using coal;

(iii) organizations that promote coal or advanced coal technologies;

(iv) environmental organizations;

(v) organizations representing workers; and

(vi) organizations representing consumers.

(4) EXISTING UNITS.—In the case of projects at units in existence on the date of enactment of this Act, in lieu of the thermal efficiency requirements described in paragraphs (1)(B)(ii)(IV) and (2)(B)(ii)(IV), the milestones shall be designed to achieve an overall thermal design efficiency improvement, compared to the efficiency of the unit as operated, of not less than—

(A) 7 percent for coal of more than 9,000 Btu;

(B) 6 percent for coal of 7,000 to 9,000 Btu; or

(C) 4 percent for coal of less than 7,000 Btu.

(5) ADMINISTRATION.—

(A) ELEVATION OF SITE.—In evaluating project proposals to achieve thermal efficiency levels established under paragraphs (1)(B)(i) and (2)(B)(i) and in determining progress towards thermal efficiency milestones under paragraphs (1)(B)(ii)(IV), (2)(B)(ii)(IV), and (4), the Secretary shall take into account and make adjustments for the elevation of the site at which a project is proposed to be constructed.

(B) APPLICABILITY OF MILESTONES.—The thermal efficiency milestones under paragraphs (1)(B)(ii)(IV), (2)(B)(ii)(IV), and (4) shall not apply to projects that separate and capture at least 50 percent of the potential emissions of carbon dioxide by a facility.

(C) PERMITTED USES.—In carrying out this section, the Secretary shall give high priority to projects that include, as part of the project—

(i) the separation or capture of carbon dioxide; or

(ii) the reduction of the demand for natural gas if deployed.

(c) FINANCIAL CRITERIA.—The Secretary shall not provide financial assistance under this subtitle for a project unless the recipient documents to the satisfaction of the Secretary that—

(1) the recipient is financially responsible;

(2) the recipient will provide sufficient information to the Secretary to enable the Secretary to ensure that the funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

(d) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that, as determined by the Secretary—

(1) meet the requirements of subsections (a), (b), and (c); and

(2) are likely—

(A) to achieve overall cost reductions in the use of coal to generate useful forms of energy or chemical feedstocks;

(B) to improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(C) to demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities, using various types of coal, that use coal as the primary feedstock as of the date of enactment of this Act.

(e) COST-SHARING.—In carrying out this subtitle, the Secretary shall require cost sharing in accordance with section 1002.

(f) SCHEDULED COMPLETION OF SELECTED PROJECTS.—

(1) IN GENERAL.—In selecting a project for financial assistance under this section, the Secretary shall establish a reasonable period of time during which the owner or operator of the project shall complete the construction or demonstration phase of the project, as the Secretary determines to be appropriate.

(2) CONDITION OF FINANCIAL ASSISTANCE.—The Secretary shall require as a condition of receipt of any financial assistance under this subtitle that the recipient of the assistance enter into an agreement with the Secretary not to request an extension of the time period established for the project by the Secretary under paragraph (1).

(3) EXTENSION OF TIME PERIOD.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may extend the time period established under paragraph (1) if the Secretary determines, in the sole discretion of the Secretary, that the owner or operator of the project cannot complete the construction or demonstration phase of the project within the time period due to circumstances beyond the control of the owner or operator.

(B) LIMITATION.—The Secretary shall not extend a time period under subparagraph (A) by more than 4 years.

(g) FEE TITLE.—The Secretary may vest fee title or other property interests acquired under cost-share clean coal power initiative agreements under this subtitle in any entity, including the United States.

(h) DATA PROTECTION.—For a period not exceeding 5 years after completion of the operations phase of a cooperative agreement, the Secretary may provide appropriate protections (including exemptions from subchapter II of chapter 5 of title 5, United States Code) against the dissemination of information that—

(1) results from demonstration activities carried out under the clean coal power initiative program; and

(2) would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in a clean coal power initiative project.

(i) APPLICABILITY.—No technology, or level of emission reduction, solely by reason of the use of the technology, or the achievement of the emission reduction, by 1 or more facilities receiving assistance under this Act, shall be considered to be—

(1) adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411);

(2) achievable for purposes of section 169 of that Act (42 U.S.C. 7479); or

(3) achievable in practice for purposes of section 171 of that Act (42 U.S.C. 7501).

SA 1008. Mr. CRAIG (for Ms. CANTWELL) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 696, lines 24 and 25, strike ''unlawful on the grounds that it is unjust and unreasonable'' and insert ''not permitted under a rate schedule (or contract under such a schedule) or is otherwise unlawful on the grounds that the contract is unjust and unreasonable or contrary to the public interest''.

SA 1009. Mr. CRAIG (for Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; as follows:

On page 12 (of title XV as agreed to), after line 23, add the following:

SEC. ____. APPLICATION OF SECTION 45 CREDIT TO AGRICULTURAL COOPERATIVES.

(a) IN GENERAL.—Section 45(e) (relating to definitions and special rules), as amended by this Act, is amended by adding at the end the following:

''(11) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the taxable year of the patrons with or within which the taxable year of the organization ends.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year, shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

''(E) WRITTEN NOTICE TO PATRONS.—If any portion of the credit available under subsection (a) is allocated to patrons under subparagraph (A), the eligible cooperative shall provide any patron receiving an allocation written notice of the amount of the allocation. Such notice shall be provided before the date on which the return described in subparagraph (B)(ii) is due.''.

SEC. ___. EXPANSION OF RESOURCES TO WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.

(a) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources), as amended by this Act, is amended by striking ''and'' at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting '', and'', and by adding at the end the following new subparagraph:

''(J) wave, current, tidal, and ocean thermal energy.''

(b) DEFINITION OF RESOURCES.—Section 45(c), as amended by this Act, is amended by adding at the end the following new paragraph:

''(9) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—The term 'wave, current, tidal, and ocean thermal energy' means electricity produced from any of the following:

''(A) Free flowing ocean water derived from tidal currents, ocean currents, waves, or estuary currents.

''(B) Ocean thermal energy.

''(C) Free flowing water in rivers, lakes, man made channels, or streams.''

(c) FACILITIES.—Section 45(d), as amended by this Act, is amended by adding at the end the following new paragraph:

''(11) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL FACILITY.—In the case of a facility using resources described in subparagraph (A), (B), or (C) of subsection (c)(9) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2009, but such term shall not include a facility which includes impoundment structures or a small irrigation power facility.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

On page 35 (of title XV as agreed to), strike lines 10 through 16, and insert the following:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATION.—An application under subparagraph (A) shall contain such information as the Secretary may require in order to make a determination to accept or reject an application for certification as meeting the requirements under subsection (e)(1). Any information contained in the application shall be protected as provided in section 552(b)(4) of title 5, United States Code.

''(C) TIME TO ACT UPON APPLICATIONS FOR CERTIFICATION.—The Secretary shall issue a determination as to whether an applicant has met the requirements under subsection (e)(1) within 60 days following the date of submittal of the application for certification.

''(D) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the criteria set forth in subsection (e)(2) have been met.

''(E) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period then the certification shall no longer be valid.''.

On page 36 (of title XV as agreed to), strike lines 14 through 23.

On page 36 (of title XV as agreed to), line 24, strike ''(6)'' and insert ''(5)''.

On page 37 (of title XV as agreed to), line 16, strike ''commitment''.

On page 37 (of title XV as agreed to), line 17, strike ''(e)(4)(B)'' and insert ''paragraph (2)''.

On page 37 (of title XV as agreed to), line 19, strike ''(f)(2)(B)(ii)'' and insert ''paragraph (2)(D)''.

On page 37 (of title XV as agreed to), line 20, strike ''commitment''.

On page 37 (of title XV as agreed to), between lines 22 and 23, insert the following:

''(C) REALLOCATION.—If the Secretary determines that megawatts under clause (i) or (ii) of paragraph (3)(B) are available for reallocation pursuant to the requirements set forth in paragraph (2), the Secretary is authorized to conduct an additional program for applications for certification.''.

On page 38 (of title XV as agreed to), line 7, strike ''or polygeneration''.

On page 38 (of title XV as agreed to), beginning with line 13 strike all through page 39, line 25, and insert the following:

''(C) the project, consisting of one or more electric generation units at one site, will have a total nameplate generating capacity of at least 400 megawatts;

''(D) the applicant demonstrates that there is a letter of intent signed by an officer of an entity willing to purchase the majority of the output of the project or signed by an officer of a utility indicating that the electricity capacity addition is consistent with that utility's integrated resource plan as approved by the regulatory or governing body that oversees electricity capacity allocations of the utility;

''(E) there is evidence of ownership or control of a site of sufficient size to allow the proposed project to be constructed and to operate on a long-term basis; and

''(F) the project will be located in the United States.

''(2) REQUIREMENTS FOR CERTIFICATION.—For the purpose of subsection (d)(2)(D), a project shall be eligible for certification only if the Secretary determines that—

''(A) the applicant for certification has received all Federal and State environmental authorizations or reviews necessary to commence construction of the project; and

''(B) the applicant for certification, except in the case of a retrofit or repower of an existing electric generation unit, has purchased or entered into a binding contract for the purchase of the main steam turbine or turbines for the project, except that such contract may be contingent upon receipt of a certification under subsection (d)(2).''.

On page 40 (of title XV as agreed to), strike ''(2)'' and insert ''(3)''.

On page 40 (of title XV as agreed to), line 4, strike ''subsection (d)(3)(B)(i)'' and insert ''subsection (d)(2)''.

On page 40 (of title XV as agreed to), line 5, strike ''certify capacity'' and insert ''certify capacity, in accordance with the procedures set forth in subsection (d), in relatively equal amounts''.

On page 40 (of title XV as agreed to), beginning with line 19, strike all through page 42, line 6.

On page 42 (of title XV as agreed to), line 18, strike ''the vendor warrants that''.

On page 44 (of title XV as agreed to), after line 25, insert the following:

''(h) APPLICABILITY.—No use of technology (or level of emission reduction solely by reason of the use of the technology), and no achievement of any emission reduction by the demonstration of any technology or performance level, by or at one or more facilities with respect to which a credit is allowed under this section, shall be considered to indicate that the technology or performance level is—

''(1) adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S. C. 7411);

''(2) achievable for purposes of section 169 of that Act (42 U.S. C. 7479); or

''(3) achievable in practice for purposes of section 171 of such Act (42 U.S.C. 7501).

On page 155 (of title XV as agreed to), line 13, strike ''2010'' and insert ''2012''.

On page 186 (of title XV as agreed to), line 2, insert ''or any mixture of biodiesel (as defined in section 40A(d)(1)) and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene and containing at least 20 percent biodiesel'' after ''hydrogen''.

Beginning on page 211 (of title XV as agreed to), line 16, strike all through page 212, line 17, and insert the following:

''(b) LIMITATION.—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed—

''(1) in the case of such equipment described in subsection (c)(1)(A)(i), 15 percent of the cost of such equipment, and

''(2) in the case of such equipment described in subsection (c)(1)(A)(ii), 15 percent of so much of the cost of each piece of equipment as exceeds $400,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RECYCLING EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified recycling equipment' means equipment, including connecting piping—

''(i) employed in sorting or processing residential and commercial qualified recyclable materials described in paragraph (2)(A) for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging, or

''(ii) the primary purpose of which is the shredding and processing of qualified recyclable materials described in paragraph (2)(B).

''(B) EQUIPMENT AT COMMERCIAL OR PUBLIC VENUES INCLUDED.—For purposes of subparagraph (A)(i), such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

''(C) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

''(2) QUALIFIED RECYCLABLE MATERIALS.—The term 'qualified recyclable materials' means—

''(A) any packaging or printed material which is glass, paper, plastic, steel, or aluminum, and

''(B) any electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit),

generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

On page 215 (of title XV as agreed to), line 23, strike ''for any'' and insert ''during any''.

On page 230 (of title XV as agreed to), between lines 2 and 3, insert the following:

SEC. ___. THREE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(A) (defining 3-year property) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) any qualified energy management device.''.

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

''(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device—

''(1) which is placed in service before January 1, 2008, by a taxpayer who is a supplier of electric energy or a provider of electric energy services,

''(2) the original use of which commences with the taxpayer, and

''(3) the purchase of which is subject to a binding contract entered into after June 23, 2005, but only if there was no written binding contract entered into on or before such date.

''(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' means any meter or metering device which is used by the taxpayer—

''(i) to measure and record electricity usage data on a time-differentiated basis in at least 4 separate time segments per day, and

''(ii) to provide such data on at least a monthly basis to both consumers and the taxpayer.''.

(c) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (A)(iii) the following:

''(A)(iv) ..... 20''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. ___. EXCEPTION FROM VOLUME CAP FOR CERTAIN COOLING FACILITIES.

(a) IN GENERAL.—Section 146 (relating to volume cap) is amended by redesignating subsections (i) through (n) as subsections (j) through (o), respectively, and by inserting after subsection (h) the following:

''(i) EXCEPTION FOR FACILITIES USED TO COOL STRUCTURES WITH OCEAN WATER, ETC..—

''(1) IN GENERAL.—Only for purposes of this section, the term 'private activity bond' shall not include any exempt facility bond described in section 142(a)(9) which is issued as part of an issue to finance any project which is designed to access deep water renewable thermal energy for district cooling to provide building air conditioning (including any distribution piping, pumping, and chiller facilities).

''(2) LIMITATION.—Paragraph (1) shall apply only to bonds issued as part of an issue the aggregate authorized face amount of which is not more than $75,000,000 with respect to any project described in such paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to projects placed in service after the date of enactment of this Act and before July 1, 2008.

On page 6 (of Senate amendment number 933 as modified and agreed to), line 12, strike ''(i)'' and insert ''(iii)''.

On page 6 (of Senate amendment number 933 as modified and agreed to), line 18, strike the last period and insert '', and''.

On page 232 (of title XV as agreed to), line 22, strike ''(iii)'' and insert ''(iv)''.

On page 255 (of title XV as agreed to), line 6, strike ''2007'' and insert ''2006''.

On page 256 (of title XV as agreed to), strike lines 3 through 15, and insert the following:

(b) NO EXEMPTIONS FROM TAX EXCEPT FOR EXPORTS.—

(1) IN GENERAL.—Section 4082(a) (relating to exemptions for diesel fuel and kerosene) is amended by inserting ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)'' after ''section 4081''.

(2) AMENDMENTS RELATING TO SECTION 4041.—

(A) Subsections (a)(1)(B), (a)(2)(A), and (c)(2) of section 4041 are each amended by inserting ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate)'' after ''section 4081''.

(B) Section 4041(b)(1)(A) is amended by striking ''or (d)(1))''.

(C) Section 4041(d) is amended by adding at the end the following new paragraph:

''(5) NONAPPLICATION OF EXEMPTIONS OTHER THAN FOR EXPORTS.—For purposes of this section, the tax imposed under this subsection shall be determined without regard to subsections (f), (g) (other than with respect to any sale for export under paragraph (3) thereof), (h), and (l).''.

(3) NO REFUND.—

(A) IN GENERAL.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

''SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

''No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels destined for export.''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6430. Treatment of tax imposed at Leaking Underground Storage Tank Trust Fund financing rate.

On page 257 (of title XV as agreed to), strike lines 7 through 10, and insert the following:

(2) NO EXEMPTION.—The amendments made by subsection (b) shall apply to fuel entered, removed, or sold after September 30, 2005.

On page 257 (of title XV as agreed to), after line 11, add the following:

SEC. 1573. TIRE EXCISE TAX MODIFICATION.

(a) IN GENERAL.—Section 4071(a) (relating to imposition and rate of tax) is amended by inserting ''8.0 cents in the case of a'' before ''super single tire''.

(b) DEFINITION OF SUPER SINGLE TIRE.—Section 4072(e) (defining super single tire) is amended by striking ''13 inches'' and inserting ''17.5 inches''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after September 30, 2005.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on June 23, 2005, at 9:30 a.m., to receive testimony on U.S. military strategy and operations in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 23, 2005, on pending Committee business at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, June 23, 2005, at 10 a.m., to hear testimony on U.S.-China Economic Relations.'

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 23, 2005, at 10 a.m. to hold a hearing on HIV/AIDS.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, June 23, 2005, at 9:30 a.m. in SH–216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 23, 2005, at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: James B. Letten to be U.S. Attorney for the Eastern District of Louisiana; and Rod J. Rosenstein to be U.S. Attorney for the District of Maryland.

II. Bills: S. 1088, Streamlined Procedures Act of 2005—KYL, CORNYN; S. 155, Gang Prevention and Effective Deterrence Act of 2005—FEINSTEIN, HATCH, GRASSLEY, CORNYN, KYL, SPECTER; and S. 751, Notification of Risk to Personal Data Act—FEINSTEIN.

III. Matters: Senate Judiciary Committee Rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, June 23, 2005, for a committee hearing to receive testimony on various benefits-related bills pending before the Committee. The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 23, 2005 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on ''The Consequences of Roe v. Wade and Doe v. Bolton'' on Thursday, June 23, 2005, at 2 p.m. in SD226.

Witness List

Panel I: Sandra Cano, Atlanta, GA; Norma McCorvey, Dallas, TX; and Ken Edelin, M.D., Boston, MA.

Panel II: Teresa Collett, Esq., Professor of Law, University of St. Thomas Law School, Minneapolis, MN; M. Edward Whelan, Esq., President, Ethics and Public Policy Center, Washington, DC; R. Alta Charo, Esq., Professor of Law and Bioethics, Associate Dean for Research and Faculty Development, University of Wisconsin Law School, Madison, WI; and Karen O'Conner, Professor of Government, American University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, June 23, 2005, at 2:30 p.m. for a hearing regarding ''Addressing Disparities in Federal HIV/AIDS CARE Program''.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT—H.R. 2361

Mr. FRIST. I ask unanimous consent on Friday June 24th, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to consideration of Calendar No. 125, H.R. 2361, the Interior appropriations bill; I further ask consent that when the Senate begins the bill, the committee substitute be agreed to and considered as original text for the purpose of further amendments, with no points of order waived; provided further that all first-degree amendments be offered on Friday, June 24th, and Monday, June 27th.

The PRESIDING OFFICER. Without objection, it is so ordered.

100TH ANNIVERSARY OF THE FOREST SERVICE

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 181, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (S. Res. 181) recognizing July 1, 2005, as the 100th anniversary of the Forest Service.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider by laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 181

Whereas Congress established the Forest Service in 1905 to provide quality water and timber for the benefit of the United States;

Whereas the mission of the Forest Service has expanded to include management of national forests for multiple uses and benefits, including the sustained yield of renewable resources such as water, forage, wildlife, wood, and recreation;

Whereas the National Forest System encompasses 192,000,000 acres in 44 States, Puerto Rico, and the Virgin Islands, including 155 national forests and 20 national grasslands;

Whereas the Forest Service significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Forest Service cooperates with State, Tribal, and local governments, forest industries, other private landowners, and forest users in the management, protection, and development of forest land the Federal Government does not own;

Whereas the Forest Service participates in work, training, and education programs such as AmeriCorps, Job Corps, and the Senior Community Service Employment Program;

Whereas the Forest Service plays a key role internationally in developing sustainable forest management and biodiversity conservation for the protection and sound management of the forest resources of the world;

Whereas, from rangers to researchers and from foresters to fire crews, the Forest Service has maintained a dedicated professional workforce that began in 1905 with 500 employees and in 2005 includes more than 30,000; and

Whereas Gifford Pinchot, the first Chief of the Forest Service, fostered the idea of managing for the greatest good of the greatest number: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes July 1, 2005 as the 100th Anniversary of the Forest Service;

(2) commends the Forest Service of the Department of Agriculture for 100 years of dedicated service managing the forests of the United States;

(3) acknowledges the promise of the Forest Service to continue to preserve the natural legacy of the United States for an additional 100 years and beyond; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

OVERSIGHT OVER THE CAPITOL VISITORS CENTER

Mr. FRIST. I ask unanimous consent the Rules Committee be discharged from further consideration of S. Res. 179 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 179) to provide for oversight over the Capitol Visitors Center by the Architect of the Capitol.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 179) was agreed to, as follows:

S. RES. 179

Resolved,

SECTION 1. CAPITOL VISITOR CENTER.

(a) IN GENERAL.—The Architect of the Capitol shall have the responsibility for the facilities management and operations of the Capitol Visitor Center.

(b) EXECUTIVE DIRECTOR.—The Architect of the Capitol may appoint an Executive Director of the Capitol Visitor Center whose annual rate of pay shall be determined by the Architect of the Capitol and shall not exceed $1,500 less than the annual rate of pay for the Architect of the Capitol.

(c) CONGRESSIONAL OVERSIGHT.—The responsibilities of the Architect of the Capitol under this section shall be subject to congressional oversight by the Committee on Rules and Administration of the Senate and as determined separately by the House of Representatives.

(d) CAPITOL PRESERVATION COMMISSION JURISDICTION.—Nothing in this section shall be construed to remove the jurisdiction of the Capitol Preservation Commission.

ORDERS FOR FRIDAY, JUNE 24, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, June 24. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the consideration of H.R. 2361, the Interior appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, the Senate will begin consideration of the Interior appropriations bill. Under a previous agreement, we will consider amendments to the bill tomorrow and Monday, and we will begin votes in relation to amendments to the bill on Tuesday of next week. Therefore, there will be no rollcall votes during tomorrow's session. Senators who have amendments to the Interior appropriations bill, however, should make themselves available to come to the floor tomorrow and Monday to offer their first-degree amendments.

Mr. President, we had a great success today in the completion of the Energy bill, although we will not have the final vote on that bill until Tuesday morning. I congratulate the chairman and ranking member of the Energy Committee for their tremendous work—tremendous work—in getting the Energy bill to the finish line. Through their hard work and with the cooperation and hard work of our colleagues, we were able to dispose of all amendments and take the bill to third reading in 2 weeks, just as we had planned. We had said that was our goal about a month ago. And, indeed, that goal has been accomplished.

We will have the vote on passage on Tuesday morning of next week. The vote on passage will occur between 9:45 a.m. and 10 a.m. on Tuesday, and that will be our next vote. Both the chairman and ranking member of the Energy Committee will be there for that vote on Tuesday morning.

Tomorrow, Mr. President, I will update everyone with respect to next week's schedule. It will be the last week of our session prior to the Fourth of July holiday, and thus we can expect a very busy week.

At the beginning of this 4-week block, we said we would spend the last week on appropriations bills. And, indeed, with the completion of the Energy bill, we will do just that—in fact, starting a day early by beginning the Interior appropriations bill tomorrow. Also during the week, we will have other legislative or executive matters we will deal with once they have been cleared.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:03 p.m., adjourned until Friday, June 24, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23, 2005:

ENVIRONMENTAL PROTECTION AGENCY

GRANTA Y. NAKAYAMA, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JOHN PETER SUAREZ, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KENT R. HILL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE E. ANNE PETERSON, RESIGNED.

FEDERAL LABOR RELATIONS AUTHORITY

COLLEEN DUFFY KIKO, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS, VICE PETER EIDE.

MERIT SYSTEMS PROTECTION BOARD

MARY M. ROSE, OF NORTH CAROLINA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2011, VICE SUSANNE T. MARSHALL, TERM EXPIRED.

DEPARTMENT OF EDUCATION

STEPHANIE JOHNSON MONROE, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE GERALD REYNOLDS.

DEPARTMENT OF JUSTICE

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

PETER MANSON SWAIM, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE JAMES LORNE KENNEDY, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KENNETH D. ORTEGA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHARLES H. EDWARDS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SLOBODAN JAZAREVIC, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID M. BARTOSZEK, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RONALD D. TOMLIN, 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

RONNIE E. ARGILLANDER, 0000
ROBERT B. BAILEY, 0000
JOHN C. BLACKBURN, 0000
GREGORY D. BLYDEN, 0000
KURT P. BOENISCH, 0000
PATRICK B. CLARK, 0000
DIEGO E. CODOSEA, 0000
JAMES E. DOLING, 0000
RYAN J. GREEN, 0000
JEREMY J. HAWKS, 0000
DAVID KAISER, 0000
PAUL LEE, 0000
KARRICK MCDERMOTT, 0000
DANIEL F. MCKIM, 0000
JUAN PAGAN, 0000
BRIAN REINHART, 0000
MICHAEL P. RILEY, 0000
HENRY ROENKE, 0000
ERIC SAGER, 0000
NATHAN SHIFLETT, 0000
PHILIP G. URSO, 0000
BRYAN D. WHITE, 0000
WILLIAM J. WILBURN, 0000

EXTENSIONS OF REMARKS

REMEMBERING ANTHONY ''TONY'' HOSEY

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, on April 25, 2005, the Illinois State University (ISU) Police lost one of its finest when Anthony ''Tony'' Hosey tragically died at the young age of 37. Yet in those 37 years Tony accomplished a great number of deeds significantly benefiting the safety and the welfare of his community.

Tony Hosey twice received his department's highest honor, the ''Chief's Award of Merit-Meritorious Service Medal.'' In 2003, Tony played a strong role in ''Operation Shakespeare,'' which led to the seizure of over 2,000 tablets of Ecstasy, 121 grams of Ketamine, and 931 grams of GHB. The individuals arrested were responsible for the distribution of over 9,000 tablets of ''Ecstasy'' on the Illinois State University Campus.

In 2004, he received the award for arresting 5 individuals responsible for the selling of 500 tablets of Ecstasy on the ISU campus: At the time of the arrest, they possessed 200 tablets of the drug. His work has allowed for a safer University and community, and has saved many individuals from falling victim to the devastating effects of drugs.

While Tony's record speaks for itself, his numerous contributions to the community have impacted not only his fellow citizens, but also his peers. Illinois State Police Special Agent and friend Earl Chandler put it best when he said, ''I've never met or known anybody that was more of the epitome of what a good police officer should be.'' Yet beyond the job, Tony was a caring husband and father of four. He was a bodybuilder and motorcycle rider, but was described as being a ''gentle giant.'' His memorial website has been flooded with hundreds of reflections and it is with a thankful heart that I rise to pay tribute to Tony. His impact and sacrifice for his neighbors, friends, family, and community will never be forgotten.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Con. Res. 160, a bill recognizing Juneteenth Independence Day as an important event in our Nation's history.

I am pleased to join my colleagues in commemorating the end of slavery, and I believe Juneteenth Independence Day provides the people of the United States a unique opportunity to look back and reflect on the experiences that have shaped our national history.

This year marks the 140th commemoration of Juneteenth Independence Day, which was originally celebrated by slaves in Galveston Texas on June 19th, 1865. On that day, Union general Gordon Granger read aloud Lincoln's Emancipation Proclamation, signed more than two years earlier. With the arrival of Union troops in Texas, the Proclamation's promise of freedom was finally fulfilled and the last American slaves were freed.

Juneteenth Independence Day is the oldest known celebration of the end of slavery. It is intended to honor not only African-American freedom, but also promote respect for all cultures, and remind us of what it means to be an American.

Juneteenth Independence Day commemorates a moment when the United States took an important step towards achieving the vision established in the Declaration of Independence, an America which recognizes that we truly are all created equal.

Mr. Speaker, I thank the gentleman from Illinois for introducing this important resolution, and I urge my colleagues to support its passage.

HONORING KEISHA CASON OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Keisha Cason of Brooksville, Florida.

Keisha Cason is a high school senior, who was recently recognized by the National Federation of Independent Business (NFIB) as a 2005 NFIB Free Enterprise Scholars Award Program.

Created in 2002, the award identifies high school seniors from all around the country who demonstrate scholarship and entrepreneurial achievement. From the 2,100 applicants nominated by NFIB members, an independent selection committee selected 378 rising scholars to each receive a $1,000 scholarship.

Keisha Cason represents the future voice of small business in America. As one of these gifted youth, she has displayed a sense of scholarship and understanding of free enterprise far beyond her years. As she makes the transition to college, she will continue to perform at the highest standards.

Mr. Speaker, ambitious young men and women like Keisha Cole should be congratulated for their accomplishments. It is truly a privilege to honor Keisha Cason for her achievement as a National Federation of Independent Business Free Enterprise Scholar.

HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 17, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2745) to reform the United Nations, and for other purposes:

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to H.R. 2745, the Henry J. Hyde United Nations Reform Act, because I believe that withholding funds from the United Nations will not help it reform. Rather, decreased funding will slowly starve the organization and prevent it from fulfilling its mission of peace and high standards of human rights all over the world.

With the passage of H.R. 2745, the United States declares it will withhold half of the dues it owes the United Nations. Restricting United Nations funds will have a devastating impact on the effectiveness of the Convention to Eliminate Discrimination Against Women: Treaty for the Rights of Women. This treaty supports international standards for basic human rights for women. It establishes a universal definition of discrimination against women, seeks legal protection for victims of violence, and equality in areas of health care, education and employment. Funds are essential in the establishment of equal rights for women: access to health care, education, and legal protection services is not free.

The United States is the only industrialized nation that has not ratified the Treaty for the Rights of Women. Our Nation's withdrawal of funding for the organization that supports this essential doctrine of human rights is shameful, and not the action the world expects of a nation that declares freedom and liberty its unchanging identity.

The need for the Treaty for the Rights of Women is undeniable. At least 4 million women and girls are sold into sexual slavery every year, two-third of the world's 799 million illiterate adults are women, and an estimated 25–30 percent of all women suffer domestic violence. The Treaty for the Rights of Women establishes international standards that serve to encourage world nations to eradicate injustices imposed on its female citizens, and to establish standards for basic human rights; the Treaty does not impose laws on any nation. For these reasons, the Treaty is in line with past treaties that support international standards, treaties that the United States has supported and subsequently funded through dues paid to the United Nations.

Until this Nation, the seat of freedom and the land of liberty, declares to the world its commitment to equality, as embodied in the Treaty, and makes that commitment a reality through essential funding, we cannot expect other nations to follow our lead and adopt freedom as their creed. If we starve the United

Nations of necessary funding, we cannot expect it to become a more effective organization. Withholding funds from this worthy organization is the wrong way to urge its reform. It hinders the organization's efforts to reform and deprives the world of the benefits that treaties such as the Treaty for the Rights of Women advocate.

SUPPORTING FIREFIGHTER LIFE SAFETY SUMMIT INITIATIVES AND MISSION OF NATIONAL FALLEN FIREFIGHTERS FOUNDATION AND UNITED STATES FIRE ADMINISTRATION

SPEECH OF

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. HOOLEY. Mr. Speaker, I rise in support of H. Con. Res. 180, which supports initiatives by the national fire services to reduce fire fighter fatalities and injuries.

I want to congratulate the gentleman from Maryland, Mr. HOYER, for introducing this important measure. Mr. HOYER is a co-chair of the Fire Caucus and is a leading supporter of the fire services in Congress.

This resolution calls attention to the need to take action to reduce fire fighter deaths and injuries. It explicitly endorses the call from the major fire service organizations for a stand down to promote fire fighter safety.

The stand down would apply to every volunteer and career fire department in the Nation. It would require that each department suspend all non-emergency activities in order to concentrate on measures to raise awareness of safety issues and to institute steps to improve safety.

A growing perception of the need to take corrective action to improve safety was the motivation for a major summit meeting of the fire service community in March 2004. The summit developed 16 fire fighter life safety initiatives, which are listed in the resolution before the House.

Unfortunately, despite widespread dissemination and discussion of the initiatives, corrective action has been slow to develop, and the trend in loss of life in the fire services has not improved.

The stand down constitutes an action to try to change the culture, which is widely believed to be the key factor in bringing about constructive change.

The fire services perform a critical public safety role and all Americans respect the high level of devotion to duty and sacrifice that characterize fire service personnel. I applaud this resolution that seeks to reduce the loss of life and serious injury that too often occur to fire fighters during the performance of their hazardous duties.

Mr. Speaker, I comment this resolution to my colleagues and ask for their support in its passage by the House.

Since 1997, 29 Oregon firefighters have been listed in the Fallen Firefighter Memorial Database of the U.S. Fire Administration. They are:

Sanit Arovitx, Richard Hernandez and Kip Krigbaum (Columbia Helicopters, USDA Fire Service contractor);

Randall E. Carpenter, Jeffrey E. Common and Robert Charles Hanners (Coos Bay Fire and Rescue);

Paul E. Gibson, David Kelly Hammer, Jeffery D. Hengel, Jesse D. James, Richard Burt Moore, II, Leland Price, Jr., Mark Robert Ransdell and Ricardo M. Ruiz (First Strike Environmental, Roseburg, Oregon Department of Forestry Contractor);

Robert Chisholm (Gearhart Volunteer Fire Department);

Jake Martindale, Zachary Zigich, Daniel Eric Rama, Bartholomew Blake Bailey, and Retha Mae Shirley (Grayback Forestry, Inc., USDA Forest Service Contractor);

Larry A. Brown (Kingsley Field Fire Department, Klamath Falls);

John Robert Hazlett (Odell Fire District);

David Craig Mackey (Oregon Department of Forestry, Western Lane District);

Lawrence J. Hoffman (Oregon Department of Forestry);

Thomas Howard Kistler (Polk County Fire District #1);

Gerald Meyers (Sumpter Fire Department);

Randall Harmon (Superior Helicopter, LLC, Grants Pass);

Richard Warren Black (Weyerhaeuser, Eugene Helicopter Operation); and

Tony B. Chapin (Willamina Fire Department).

A TRIBUTE TO WILLIAM R. RUTTER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor a true hero, William R. Rutter. Mr. Rutter is a proud American who served our country in two major wars. After serving in World War II, Bill Rutter entered the U.S. Army Reserves, however, when the Korean conflict began he immediately volunteered again for active duty. After the Korean War he returned to the Reserves, serving a total of 37 years.

On December 15, 1950 in Korea when Bill Rutter was a Sergeant First Class with Fox Company, 7th Infantry, 3rd Regiment I.D., he volunteered to take a combat patrol out to probe and locate the enemy position and strength. Easy Company, 7th Infantry Regiment was pinned down. When they reached a position approximately opposite Easy Company they drew extremely heavy fire from the enemy force. There appeared to be two reinforced rifle companies with attached units. All of this patrol, with the exception of Sergeant Rutter, sustained wounds. He located a position that was protected where they couldn't be hit. He instructed his men to start walking back down the hill slowly one at a time while he and one of his men who was unable to walk provided cover fire. When they were all down the hill, Mr. Rutter strapped the wounded young Private on his back with his rifle belt and ran down the hill under extremely heavy fire. Sergeant Rutter was able to get all his men out alive that day.

Following his heroic service Bill Rutter served as a Deputy Federal Marshall and spent time working with the Federal Bureau of Prisons in several locations, including Alcatraz in California. He concluded his service in Colorado working for the Youth Conservation Core under the Bureau of Land Management. He retired in 1981 and lives the small Eastern Colorado community of Fleming.

Mr. Speaker, we are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed to live in a country with citizens who willingly volunteer to put themselves in harm's way to defend and protect our great Nation.

I am proud to honor Bill for his courage and sacrifice on behalf of all Americans. I applaud Bill for his courage and selfless dedication to duty. He has helped protect our democracy and kept our homeland safe by placing his life on the line. Bill truly is the embodiment of all the values that have molded America into the great Nation it is today.

We can maintain the blessings of our freedoms only because we have citizens like Bill Rutter.

EXCESSIVE EXECUTIVE COMPENSATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. EVERETT. Mr. Speaker, with the passage of the Sarbanes-Oxley Act, it is worth noting that this country has seen an increase in consumer and investor confidence, and a significant market recovery. Corporate scandals and plunging stock prices forced Congress to pass the most sweeping regulation of corporate activity since the 1930s, when the SEC was created.

Many positive developments have resulted from the passage of Sarbanes-Oxley, however more can be done. I fear that we have not seen the last of the corporate abuse exhibited by the Enrons and Worldcoms of the world, especially with regard to the raiding of pension funds.

I am concerned about a growing number of corporate executives in America who are less than fully accountable to their shareholders or employees. Some continue to demand and receive outrageous salaries and perks while their companies flounder. In some cases, these executives face civil and criminal investigations for fraud and corruption.

The current environment under which Corporate America pays its executives allows for minimal, if any, input by the shareholders. Oftentimes their will is suppressed, as was the case with Alcoa Inc. in 2003, when the board of directors rejected a proposal approved by the majority of shareholders that urged the board of directors to seek shareholder approval for future severance agreements with senior executives. Boards of directors continue to reward their executives with outrageous retirement packages regardless of the company's performance. Not only is the discrepancy between pay and performance a problem, but the fact that the disclosure to shareholders comes months after the payments are made is troubling.

One of the most disturbing facts of these misguided or criminal actions by corporate leaders is that their employees see their hard-earned profit sharing plans disappear. Yet, these corporate "rock stars" ride off with their guaranteed benefits package intact, while the

workers and shareholders take it on the chin. Their investments and savings, tied to corporate growth and built up over the years, have vanished. Plans of retirement are halted, either permanently or indefinitely; and many workers find themselves forced to work in their golden years.

Today, I have introduced legislation to require an advance disclosure to a company's shareholders upon the creation of or substantial increase in special retirement plans for executives. This will bring desperately needed transparency to the boardroom. Under current law, benefits payable under these plans are not considered reportable compensation, which is why this disclosure is necessary. This would allow shareholders to be proactive in determining whether or not their CEO deserves the millions he or she is getting paid.

I understand that this is a departure from the typical form of disclosure, however I believe the current environment under which Corporate America operates needs to change. We must improve investor confidence, and the advance disclosure of excessive corporate compensation will move us in that direction.

A HEALTHY DEMOCRACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. RANGEL. Mr. Speaker, I rise today to recognize the basic fact that, in our hearts, the American people truly love democracy. We love the ability of the people to influence the actions of decision-makers, of lawmakers and presidents to be removed from or elevated to office by the will of voters, and of the community to connect amongst diverse populations through the ballot box. We have passed legislation, protested on streets and waged wars to guarantee that every American has our most basic right, the right to vote, and our defining moments have been about the protection of this individual right.

Despite the struggles and challenges of the past and our passion for voting rights, we still routinely deny the right to vote to millions of ex-offenders, who have paid back their debt to society. In many states, there is no judicial determination of this high penalty. There is no connection to the crime committed and the punishment imposed. The denial of the right to vote is automatic based simply on a conviction, regardless of the nature of the crime or the individual involved. Reversing that decision and retaining one's right to vote in many states is nearly impossible and requires action by the Governor. As a Nation, we have long fought for the right of every citizen to vote; it should not be so easy to take that right away.

This denial erases the very core of our citizenship. It places the released ex-offenders on the outskirts of society and outside the decision making process. Their voice is silenced on the important issues of their community and this great Nation. Their unalienable right is taken away by legislative fiat in the interest of being "tough on crime." They are ostracized from their community and effectively denied the right to choose representatives and voice their opinion in public policy. They are relegated to the status of second-class citizens in terms of politicians, community leaders, and unfortunately themselves.

On the outskirts, many ex-offenders are frustrated and discouraged in their efforts to become contributing members of society. Denied the right to vote and to choose leaders and policymakers, ex-offenders often feel that they are not a part of this democratic system and this society. Their alienation, compounded by the stigma of their criminal record, limits their ability to be fully reintegrated into society.

If we believe in our current penal process, then the penalties imposed by judges and juries should be the only sanctions for one's crime, not the invisible sanctions of the legislature. If we do not believe in that process, then we should work to effectively reform the system and allow it to serve its true criminal, rather than civil, purpose. Regardless of our belief in the criminal justice system, disenfranchisement of ex-offenders is abhorrent to our beliefs. They are citizens. They have paid for their violations of our laws and they must be effectively reintegrated into our communities.

I submit for the RECORD an editorial from today's edition of the New York Times. Congress should heed the advice of the New York Times on this issue and once again protect the right to vote for all Americans. Too many have fought and died for this right to be lost.

[From the New York Times, Jun. 22, 2005]

EXTENDING DEMOCRACY TO EX-OFFENDERS

JUNE 22.—The laws that strip ex-offenders of the right to vote across the United States are the shame of the democratic world. Of an estimated five million Americans who were barred from voting in the last presidential election, a majority would have been able to vote if they had been citizens of countries like Britain, France, Germany, or Australia. Many nations take the franchise so seriously that they arrange for people to cast ballots while being held in prison. In the United States, by contrast, inmates can vote only in two states, Maine and Vermont.

This distinctly American bias—which extends to jobs, housing, and education—keeps even law-abiding ex-offenders confined to the margins of society, where they have a notoriously difficult time building successful lives. A few states, at least, are beginning to grasp this point. Some are reconsidering postprison sanctions, including laws that bar ex-offenders from the polls.

The Nebraska Legislature, for example, recently replaced a lifetime voting van for convicted felons with a system in which ex-offenders would have their rights automatically returned after a two-year waiting period. Iowa, which also bars former prisoners from voting for life, took a similar step forward last week when Gov. Tom Vilsack announced his intention to sign an executive order that would restore voting rights to felons after they complete their sentence.

Governor Vilsack's decision is particularly important, given that Iowa has some of the most severe postprison sanctions in the country. Governor Vilsack's decision is particularly important, given that Iowa has some of the most severe postprison sanctions in the country. The other four states with similar laws are in the South, where disenfranchisement was created about a century ago, partly to keep black Americans from exercising their right to vote.

The Iowa and Nebraska cases reflect a growing awareness in some of the states that these laws offend the basic principles of democracy. They also stigmatize millions of Americans, many of whom have paid their debts to society and want nothing more than to rejoin the mainstream. The more the United States embraces this view, the healthier we will be as a nation.

RECOGNIZING THE 100TH ANNIVERSARY OF ST. THOMAS THE APOSTLE CATHOLIC CHURCH LONG BEACH, MISSISSIPPI

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise today to recognize the 100th anniversary of St. Thomas the Apostle Catholic Church located in Long Beach, Mississippi.

In early 1905, Bishop Thomas Heslin of the Natchez Diocese directed the order of St. Vincent de Paul, known as Vincentians, to build a church and religious retreat to fill the needs of the parishioners of Long Beach, Mississippi City, Perkinston and Wiggins. Forty acres of land were acquired on the Mississippi Gulf Coast, and the church was consecrated as St. Thomas the Apostle Catholic Church on July 15, 1905.

As the City of Long Beach grew, so did the mission of the church. In 1915, St. Thomas was designated a parish church by Bishop John Gunn with Father Joseph Hagar serving as the new parish's first pastor. September 3, 1922 marked the first day of school for students of St. Thomas Elementary School, staffed by the Daughters of Charity.

August 17, 1969 marked a tragic day for all of South Mississippi when the Gulf Coast was struck by Hurricane Camille, a category 5 storm and the strongest hurricane to strike the United States in the 20th century. Camille destroyed the original 1905 St. Thomas Church and most other church associated buildings. As the region slowly recovered the church was rebuilt. Bishop Joseph Brunini dedicated the new St. Thomas Church on August 20, 1972.

The Vincentians ceded the parish to the Diocese of Biloxi in the summer of 1993, and Father Louis Lohan was named pastor of the congregation. The church's most recent major addition was the Parish Life Center, which was dedicated in November 2002.

So it is my great honor to congratulate the people of St. Thomas the Apostle Catholic Church on their 100th anniversary.

TRIBUTE TO VERNON PARKER

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. FRANKS of Arizona. Mr. Speaker, it is my great privilege to rise today in support of a statement entered into the RECORD June twenty-first by my friend and colleague, Mrs. MUSGRAVE of Colorado, to pay tribute to an extraordinary man, Vernon Parker, who is the kind of man that represents the backbone of the American way of life.

Vernon is first and foremost a husband to Sylvia, a father to Jim and Joe and a grandfather to Jennifer and Nicholas. He has been a teacher, an elementary and junior high school principal and an outstanding civic leader. But it was as the school superintendent in Briggsdale, Colorado, that our life paths intersected. There were eleven children in my third grade class. The entire school system, kindergarten through twelfth grade, had only one

hundred and two students. In that idyllic setting, Vernon Parker made the third grade a special place of learning for me. As I look back upon those years, it is easy to recognize that Vernon Parker planted more than just a garden we could always find him tending. He planted hopes and dreams into the minds and hearts of the children of Briggsdale, Colorado.

As I reflect on the impact that educators have on the lives of their students, I think not only of scholastic standards but of their ability to instill the invaluable desire to learn—to reach for something greater than ourselves. For many years, as a teacher, a principal and school superintendent, Vernon Parker touched literally all of the lives of the children in the small town of Briggsdale. That is quite an honorable legacy in itself.

Yet we also as Americans owe a debt of gratitude to this man for his service to our country in the Korean War where his efforts as a member of the ''Wolfpack,'' a special unit which aided friendly North Koreans, helped save American lives. He served from 1949 until 1953. He was awarded the Silver Star for gallantry in action, and during one battle he used a bazooka to destroy a Communist North Korean tank. Also in that battle, he was wounded by a mortar shell and was awarded the Purple Heart.

When Vernon retired from teaching and then oversight of the school system, he opened and ran a small business. He was a member of the Lions Club and the V.F.W., a Boy Scout leader and a volunteer fireman.

Vernon Parker has dedicated his life to public service and most importantly to children. I am greatly privileged to count myself among those children whose lives he touched and encouraged, motivated and disciplined on my childhood journey to that better day in life.

May God Bless our educators, may God bless our veterans, may God bless America and may God bless Vernon Parker!

RESOLUTION IN MEMORY OF JOHN C. ''JAY'' MAGIN

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Ms. WATSON. Mr. Speaker,

Whereas John C. ''Jay'' Magin was born March 20, 1937, in Port Jefferson, New York, who as a toddler traveled with his family as his father, a radio engineer for the Civil Aeronautics Administration, worked to establish landing control towers at airports during World War II.;

Whereas the Magin family settled in Kansas City, Missouri in 1942, and moved to Lynbrook, New York in 1947;

Whereas Jay Magin graduated in 1955 from Bishop Laughlin Memorial High School in Brooklyn, New York, where he had been active in the Army's JROTC program;

Whereas Jay Magin attended Rensselaer Polytechnic Institute in Troy, New York, went to work for Grumman Corporation in the late 1950s, and spent a long career working in avionics support before retiring in 1989 and then moving to Hawaii;

Whereas Jay Magin was a member of the Kailua Elks Lodge 2230, an instructor in Lessons in Firearms Education (L.I.F.E.), a member of the Hawaii Rifle Association, a member of the Battleship Missouri Amateur Radio Club, and a longtime active member of the MG Car Club of Long Island;

Whereas Jay Magin was also active in the American Red Cross' Human Animal Bond program at Tripler Army Medical Center and a member of Calvary By the Sea Lutheran Church in Aina Haina;

Whereas Jay Magin and his wife Judy, longtime residents of Huntington, New York, were married for 43 years and had two children: Janis, an editor with The Associated Press in Honolulu, and John, a Mac Genius with Apple Computer in New York City;

Whereas Jay Magin is survived by his wife, Judy; daughter Janis of Honolulu, Hawaii; son John and daughter-in-law Marianne of Huntington Station, New York; a brother, James O. Magin of Freeport, New York; a sister, Mary Ann Potito of Selden, New York; several nieces and nephews; and his beloved pets Willem and Ekhai: Now therefore be it

Resolved, in the U.S. House of Representatives, that Congresswoman DIANE E. WATSON,

(1) Mourns the passing of Jay Magin;

(2) Recognizes Jay Magin's legacy of charitable service, professional work ethic, bountiful kindness, and soft spoken manner; and

(3) Fondly remembers Jay Magin's easy laughter, charm, and the fact that he never uttered a harsh word about others.

HONORING DR. ROBERT H. BARTLETT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. KILDEE. Mr. Speaker, today I rise to honor the accomplishments of Dr. Robert H. Bartlett of the University of Michigan Medical Center. On Thursday, June 23, family and friends, including many of Dr. Bartlett's former patients, will gather to recognize his life and legacy.

Renowned and respected for his roles as Professor of General and Thoracic Surgery at U–M Medical Center, Dr. Robert Bartlett is celebrated around the world for his pioneering work in the development of extra corporeal membrane oxygenation, or ECMO. ECMO, a technique that has paved new roads in the treatment of infant pulmonary distress, has saved the lives of more than 5,000 infants in the past two decades, and has been successfully applied to children and adults with reversible heart or lung failure.

After completing his residency in Boston and serving as an instructor at Harvard Medical School, Dr. Bartlett became Assistant Professor of Surgery at the University of California-Irvine. His first groundbreaking use of ECMO on an infant came in 1975, with dozens more successful cases spanning the next 5 years. From there, Dr. Bartlett moved the ECMO program to Ann Arbor, MI, the city of his birth. Within the first 5 years at U–M Medical Center, ECMO evolved from an experimental procedure to the standard practice of 18 medical facilities nationwide.

In addition to his work with ECMO, Dr. Bartlett has conducted research designed to advance lung transplantation, and is one of the State's leading authorities on the Koch Pouch procedure for ostomy patients. His peers have recognized him on many occasions, including the 1989 Galens Medical Society Silver Shovel Award for Outstanding Clinical Teacher. When not teaching, researching, or lecturing, Dr. Bartlett can be found as a member of the Life Science Orchestra and the Ann Arbor Civic Orchestra.

Mr. Speaker, for decades, Dr. Robert Bartlett has selflessly worked to enhance and improve the quality of life for not only his patients, but for all those he has come across. I ask my colleagues to please join me in congratulating him on his career, and wishing him the very best in all his future endeavors.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. BLUMENAUER. Mr. Speaker, on Thursday, June 16 and Friday, June 17, 2004, I was not present for votes because I was testifying before a Base Closure and Realignment Commission hearing in Portland. Had I been present for the following votes, I would have voted as follows:

Rollcall Vote 270: I would have voted ''aye'' on the King (NY) Amendment to deny immunity to any U.N. Official who is under investigation or charged with a criminal offense because a person should not avoid investigation for a serious criminal offense because they are a United Nations employee.

Rollcall Vote 271: I would have voted ''aye'' on the Poe Amendment requiring OMB to submit a report on U.S. contributions to the U.N. because it would improve the ability of Congress to carry out its oversight responsibility.

Rollcall Vote 272: I would have voted ''aye'' on the Cantor Amendment to deny Iran nuclear materials and assistance because I am greatly concerned about Iran's efforts to develop nuclear weapons and support international efforts to prevent that.

Rollcall Vote 273: I would have voted ''no'' on tabling the Nadler Resolution because I believe Congress needs to provide stronger oversight in a bipartisan fashion and take a serious look at the PATRIOT Act.

Rollcall Vote 274: I would have voted ''aye'' on the Royce Amendment prohibiting the elimination of single-country human rights resolutions because, while I oppose mandatory withholding of dues, the U.N. needs to be a credible voice for human rights and I believe that this requirement is achievable.

Rollcall Vote 275: I would have voted ''no'' on the Fortenberry Amendment to ensure the formal adoption and implementation of mechanisms to: (1) Suspend the membership of a Member State if it is engaged or complicit in acts of genocide, war crimes, or crimes against humanity; (2) impose an arms and trade embargo, travel restrictions and asset freeze upon groups or individuals responsible for such acts; (3) deploy a U.N. peacekeeping operation from an international or regional organization; (4) deploy monitors from the U.N. High Commissioner for Refugees to the area where such acts are occurring; and (5) authorize the establishment of an international commission of inquiry into such acts as part of the certification and withholding process because,

while I support the goals of the amendment, implementing these reforms would require a consensus of all U.N. member states, thus giving North Korea or Iran the ability to determine whether the U.S. withholds dues and cripples the U.N.

Rollcall Vote 276: I would have voted ''no'' on the Flake Amendment requiring the U.N. to release documents related to the Oil-for-Food Program and waive immunity for U.N. officials in connection with the program, as part of the certification and withholding process since it is not a compelling enough reason to add to the certification and withholding process, which I oppose.

Rollcall Vote 277: I would have voted ''aye'' on the Chabot/Lantos Amendment opposing anti-Semitism at the U.N. because I share this concern and, while I oppose mandatory withholding of dues, this amendment places requirements on the President, not the United Nations.

Rollcall Vote 278: I would have voted ''no'' on the Pence Amendment to try and deny the veto to any U.N. Security Council permanent member who pays less than ⅕ the level of U.S. dues because it would weaken the veto which, while often abused, is the best guarantor that the U.N. will act in the United States' interests.

Rollcall Vote 279: I would have voted ''no'' on the Gohmert Amendment to prohibit assistance to any country who votes with the U.S. at the U.N. less than 50% of the time because many of our closest allies and countries most in need of assistance often oppose the United States' position at the U.N., at times with serious justification.

Rollcall Vote 280: I would have voted ''no'' on the Stearns Amendment to increase withholding from 50 percent to 75 percent because I believe that, if any withholding of dues is counterproductive to U.N. reform, more withholding of dues is more counterproductive.

Rollcall Vote 281: I would have voted ''aye'' on the bipartisan Lantos-Shays Amendment in the nature of a substitute which authorizes, but does not mandate, withholding of dues because it provides flexibility to the Secretary of State in promoting an agenda of U.N. reform.

Rollcall Vote 282: I would have voted ''no'' on final passage of H.R. 2745 because I oppose mandatory withholding of U.N. dues. I believe we should have come up with a bipartisan bill that reflects the conclusions of the Gingrich-Mitchell Task Force, that supports efforts underway at the United Nations to reform, and pushes those reforms to be real and prompt, instead of taking this highly partisan bill, which the Bush Administration and U.N. experts from all political beliefs say will alienate our pro-reform allies and make reform less likely, not more.

THE SENATE APOLOGY FOR LYNCHING: A FIRST STEP IN RACIAL RECONCILIATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. RANGEL. Mr. Speaker, I rise today to remind Members of the House of Representatives and the Senate that the problems of racial reconciliation will not be addressed or solved with a simple act of Congress or an apology.

Last week, after the Senate officially apologized for its failure to pass anti-lynching legislation, I came before this body to recognize the important first step of the other chamber on race relations. Today, I want to remind this chamber as well that the problems of race relations and racism did not evaporate with the end of lynchings in the 1940s, nor the end of segregation, nor the end of the Civil Rights Movement, nor the end of the 20th century. The problems and challenges are still alive and well today.

The lynchings of the early 1900s were a form of torture and control used to constrain the aspirations of African Americans and others in their fight for freedom and justice. The fear and intimidation used then curtailed the ambitions of generations of African-Americans and stifled their educational and social progress in this country for generations to come. The apology of the Senate is much appreciated, but, as I said last week, more needs to be done to undo the harmful effect of lynching and Congress's failure to act.

A champion of anti-lynching legislation in the 1940s is still an important voice of civil rights in 2005. The National Association for the Advancement of Colored People (NAACP). will soon be celebrating its centennial year of service to race relations and reconciliation. In the early 1900s, it fought for legal remedies to escalating violence and torture against African Americans. It stood up proudly and strongly for the rights of minorities in the country as they faced a system of discrimination and harassment designed to subdue the rights of an entire group of Americans.

Today, following the apology of the Senate, the NAACP is still a voice for the disenfranchised and the powerless. Its opinions on the next steps in racial reconciliation are important and should be heeded by this body. NAACP Interim President and CEO Dennis Courtland Hayes also recognized the actions of the Senate last week as an important first step. He recommends that the U.S. Congress pursue strategies and dialogue focused on alleviating the disparities and inequalities between whites and blacks that are the consequence of the systematic oppression of blacks by whites throughout the history of the United States.

I submit for the RECORD the following press release from the NAACP concerning the Senate apology. I would hope that my colleagues would take a moment to listen to this sage advice. I would like to thank Mr. Hayes for his leadership on the issue and his efforts to move the nation towards a full accounting of the consequences and an acknowledgment of the debt incurred.

NAACP SAYS LYNCHING RESOLUTION LONG OVERDUE

JUNE 15.—NAACP Interim President and CEO Dennis Courtland Hayes said the U.S. Senate vote to apologize for the lynchings of thousands of people, mostly African Americans, is long overdue, but is a good first step toward reconciliation and the official acknowledgement of a dark period in U.S. history.

''The NAACP was formed in 1909 in reaction to the lynchings of African Americans during the 19th and 20th centuries,'' said Hayes. ''Coming 96 years after the NAACP was founded by black and white Americans for the purpose of halting horrific acts such as lynchings, the Senate vote is both a validation of the NAACP's need to exist as it approaches its centennial and a reason to hope that one day all forms of racial lynchings within the United States will cease. The vote offers a ray of hope that America will persevere to see an end to racial disparities in incarceration rates, health care, wealth, housing and employment.''

Washington Bureau Chief Hilary Shelton said, ''Our hope is that as we move toward reconciliation, the Congress will establish a federal commission to investigate all of the lynchings to determine the extent of the damage done and what it will take for final healing.''

The resolution, sponsored by Sens. George Allen, R–Va., and Mary Landrieu, D–La., was approved by 80 of the Senate's 100 members. Notably absent among the endorsers were two senators from Mississippi, Sens. Thad Cochran and Trent Lott. From 1882 to 1968, there were 4,742 lynchings nationally. During that period, Mississippi had the highest number of lynchings, 581, according to the Tuskegee Institute records. According to the resolution, 99 percent of the lynching perpetrators escaped punishment.

The Senate failed to act on federal anti-lynching legislation that passed the House of Representatives three times between 1920 and 1940. The lynchings were often part of a campaign of intimidation against African Americans who sought to vote, own a business, buy land or campaign for equal rights.

Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization. Its half-million adult and youth members throughout the United States and the world are the premier advocates for civil rights in their communities, conducting voter mobilization and monitoring equal opportunity in the public and private sectors.

TRIBUTE TO LIEUTENANT COLONEL JOSEPH W. CORRIGAN

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise today to pay tribute and to recognize the outstanding service of Lieutenant Colonel Joseph W. Corrigan, who retires this July after twenty-three years of selfless and dedicated service while working for the United States Army, the Army Corps of Engineers, and Army Legislative Liaison. Lieutenant Colonel Corrigan is a decorated Iraqi Freedom combat veteran who has not only demonstrated his courage in a hostile fire zone but his fervent compassion for people suppressed by years of tyranny and his untiring love of Country as he dedicated over twenty years of voluntary service to our Nation.

Lieutenant Colonel Corrigan began his career as a United States Military Academy graduate, Class of 1982, and was immediately selected to lead our Nation's Sons and Daughters, an honor he accepted with great pride. During his superb career he has met the call of our Nation in both positions of leadership and staff while both he and his family endured the hardships of deployments and separation. As a testament to his professionalism, in 2002 he was awarded the Pace Award as the Department of the Army Staff Officer of the Year.

Recently, Lieutenant Colonel Corrigan proudly served the citizens of our great State

of Mississippi in his capacity as the Deputy Director, U.S. Army Corps of Engineers—Mobile Engineer District where he managed all the Corps of Engineer programs for five Southeastern States as well as Central and South America. Lieutenant Colonel Corrigan has spent a major portion of his career with Army Legislative Liaison providing both the Army and Congress with valuable professional insights and advice that have had a direct and positive impact on transforming the Army to meet the current and future requirements of a Nation at War.

Mr. Speaker, as Lieutenant Colonel Joseph Corrigan leaves twenty-three years of Military Service to our Country, I offer not only congratulations on his accomplishments but heartfelt thanks for his selfless service to our great Nation and a wish for his continued success.

HONORING MR. MERLE SAUNDERS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. WALDEN of Oregon. Mr. Speaker, colleagues, I rise today in honor of a dedicated public servant and inspirational teacher, Mr. Merle Saunders, on his induction into The National Teachers Hall of Fame. Mr. Saunders teaches Automotive Technology at Vale High School in Vale, Oregon, a rural town of approximately 1,000 located in eastern Oregon. This tremendous honor is well-deserved and I am proud to recognize him for this achievement.

One of only five individuals nationwide to be inducted into the Hall of Fame this year, Mr. Saunders has been recognized for his 25 years educating students in Vale. During his career, he has received numerous awards, including six teacher-of-the year awards, from organizations such as AAA, the Environmental Protection Agency, the Vale Chamber of Commerce and the prestigious Milken Family Foundation.

His excellence in instruction extends beyond the walls of Vale High School's classrooms. The school's automotive troubleshooting team, which Mr. Saunders advises, has won 14 State championships and has received several national trophies.

Mr. Speaker, great teachers possess a valuable combination of intelligence, talent, patience and a genuine compassion for their students. The mission of The National Teachers Hall of Fame is to ''recognize and honor exceptional teachers.'' They have accomplished this with the induction of Mr. Saunders.

I would like to formally thank him for his service, commitment and dedication to young people at Vale High School and congratulate him on the receipt of this prestigious honor. He is an inspiration to his students, his colleagues and to us all.

INTRODUCTION OF THE GUANTANAMO DETAINEES PROCEDURES ACT OF 2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to introduce the Guantanamo Detainees Procedures Act of 2005. As the war on terrorism continues and more suspected terrorists are likely to be arrested, Congress must ensure that justice is delivered swiftly and responsibly in order to punish terrorists, prevent future attacks, and ensure swift and just processing of those detained.

Over 500 detainees are currently being held in Guantanamo Bay, most of them captured in Afghanistan after the U.S.-led invasion in 2001. Some detainees have been there for more than three years without being charged. These individuals should be tried or released.

Congress must provide for the swift and deliberate processing and prosecution of detainees in a manner that appropriately balances the country's national security needs with the country's due process interests. The Guantanamo Detainees Procedures Act of 2005 is drafted with this goal in mind.

Specifically, the legislation does the following: Provides that the executive branch has the authority to detain foreign nationals as unlawful combatants; provides a timely hearing before an independent military officer to challenge their designation as an unlawful combatant; requires release/repatriation or initiation of formal charges within two years; provides a limited extension if the Secretary of State certifies that the individual remains a national security threat and is likely to undertake terrorist acts against the U.S. and that repatriation of the detainee or the commencement of formal charges will compromise the national security of the U.S. by curtailing intelligence gathering, jeopardize intelligence sources necessary to prosecute the detainee, or other extraordinary circumstances justify the delay; requires the establishment of tribunals with clear standards and procedures designed to ensure a full and fair hearing for the detainee when formal charges are initiated; requires annual reports to Congress on the status of all detainees.

Mr. Speaker, in sum, the Guantanamo Detainees Procedures Act of 2005 will provide an expeditious procedure for processing and prosecuting terrorists and will also ensure that the hallmark of our democracy—justice for all—is not compromised.

CODIFICATION OF TITLE 51, OF THE UNITED STATES CODE—NATIONAL AND COMMERCIAL SPACE PROGRAMS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing a bill to codify and enact certain existing laws related to National and Commercial Space Programs as Title 51 of the United States Code. The bill was prepared by the Office of the Law Revision Counsel as part of that office's ongoing responsibility to prepare, and submit to the Committee on the Judiciary one Title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States.

All changes in existing law made by this bill are purely technical in nature. The bill was prepared in accordance with the statutory standard for codification legislation, which is that the restatement of existing law shall conform to the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections.

The bill, along with a detailed section-by-section explanation of the bill, can be accessed on the Internet site of the Office of the Law Revision Counsel (http://uscode.house.gov/). Persons interested in obtaining a printed copy of the bill and explanation, and persons interested in submitting comments on the bill, should contact Rob Sukol, Assistant Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, DC, 20515. The telephone number is 202–226–9060. Comments on the bill should be submitted to the Office of the Law Revision Counsel no later than 60 days after date of introduction.

TRIBUTE TO SECURITIES AND EXCHANGE COMMISSION CHAIRMAN WILLIAM H. DONALDSON

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to honor the accomplishments of outgoing Securities and Exchange Commission Chairman William H. Donaldson. Chairman Donaldson has announced his retirement, but he leaves behind a legacy of hard work, integrity, and achievement.

Mr. Donaldson was certainly well prepared to lead the SEC. He is a veteran of the Marine Corps and a graduate of Yale University. The Chairman has more than 45 years of high-level business and government experience. He is the founder and former CEO of the investment banking firm Donaldson, Lufkin and Jenrette and is the former Chairman and CEO of the New York Stock Exchange. Chairman Donaldson has over five decades of government experience, including service as Under Secretary of State to Henry Kissinger.

When Mr. Donaldson took the helm of the SEC on February 18, 2003, our faith in corporations and financial markets was severely strained. The Chairman immediately set out to remedy these ills by advocating internal reform of the Commission and external reform of securities markets. Chairman Donaldson has accomplished his primary goals of improving disclosure and transparency, protecting investors by helping to eliminate conflicts of interest and self-dealing by brokers, detecting and punishing securities fraud, and making the SEC more effective, efficient and cooperative. In addition, Chairman Donaldson has taken the agency from a re-active to pro-active posture. Donaldson once said ''look over hills and around corners'' and introduced a risk-based approach to actions.

Through the principle and diligence of William Donaldson, the agency completed the Sarbanes-Oxley rulemaking process, strengthened mutual fund oversight to alleviate potential fraud and abuse in the future, and reinforced the SEC's enforcement and examination programs. During his tenure the SEC hired 1,200 new employees and also promoted teleworking and a virtual workforce. Perhaps most impressively, under Mr. Donaldson's leadership the agency prosecuted more than 1,700 enforcement actions, the two highest annual totals in the SEC's history. During this time the SEC authorized more than $7 billion in penalties to companies which have not played by the rules.

Mr. Speaker, our Nation's financial institutions are stronger and more secure because of the due diligence of William H. Donaldson. I know that my colleagues in the House of Representatives wish him well in his future endeavors. But at this moment and at this time in our country's history he and his staff have made a great contribution.

TO WELCOME HIS EXCELLENCY PHAN VAN KHAI, PRIME MINISTER OF VIETNAM

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. SIMMONS. Mr. Speaker, as the Republican Chairman of the U.S.-Vietnam Caucus here in the House, I rise today to welcome His Excellency Phan Van Khai, Prime Minister of Vietnam.

I am delighted to be here to celebrate this historic occasion—the first official visit of the Prime Minister of Vietnam to the United States Capitol here in Washington, DC.

Thirty five years ago I served in Vietnam as a soldier. Two years ago I returned to that country searching for the remains of a fellow soldier from my district, Captain Arnold Holm, who was shot down in Thua Thien Province in 1972. Although we never found his crash site or his remains, the Vietnamese Government and people were extraordinarily generous and helpful as we searched.

And while we did not find the crash site of Captain Holm, we did find something else of great value. We found Americans and Vietnamese of courage, good will and generous spirit who believed the time had come to heal the wounds of war. As Senator JOHN MCCAIN said last night, we found people who were willing to forget the pain of the past and move forward as friends to build a better future for all our people.

When I returned from my visit to Vietnam I joined my friend and colleague LANE EVANS to create the U.S.-Vietnam Caucus. The purpose of this caucus is to build constructive relationships between our two countries; to search for and recover the remains of soldiers of both countries; to develop tourism and trade; to promote educational exchanges; and to build better relations between our people.

Sir Winston Churchill once remarked, "The pessimist sees difficulty in every opportunity. The optimist sees opportunity in every difficulty." I am an optimist. While there is much work left to do, today is a day of optimism—a day to celebrate the progress we have made so far and a day to let that progress encourage us as we walk together towards an even better future.

NATIONAL ENDOWMENT FOR THE ARTS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, as a member of the Congressional Arts Caucus, I rise today in support of the amendment to increase funds by $10 million to the National Endowment for the Arts and $5 million to the National Endowment for the Humanities.

The value of Federal arts programs lies in their ability to nurture the growth and artistic excellence of thousands of arts organizations and millions of artists throughout the Nation, making a variety of arts—performance, graphic, literature, and media—available to millions of Americans.

The NEA is the Nation's largest annual funder of the arts, bringing great art—both new and established—to all 50 States, including rural communities, inner-city neighborhoods, schools, and military bases.

Support for the arts is a critical investment in the economic growth of every community in this country. The nonprofit arts industry generates $134 billion annually in economic activity, supports 4.85 million jobs, and returns $10.5 billion to the Federal government in income taxes.

Minnesota's 4th Congressional District alone is home to over 1,200 arts-related businesses that employ nearly 9,000 people. These businesses range from theaters, arts schools, museums, architecture firms, and advertising agencies. In addition, unnumbered individual and freelance artists call my district their home. I am proud to represent these artists and their families.

I appreciate how the arts deeply enrich Minnesota. The educational, cultural, and economic impact of the arts is very measurable. Not only do 95% of Minnesotans believe that the arts are an important or essential part of the education of Minnesota children, but 67% of Minnesotans have attended an arts activity themselves within the past year. In addition, the arts in Minnesota have over a $1 billion economic impact annually.

Arts education has also been proven to help students increase cognitive development, inspire creativity, and enhance problem-solving skills. At a time when students are expected to take more high stakes tests, we must support the activities, such as the arts, that encourage their success.

It is with a commitment to the economic, social, and cultural well-being of my district, and of the Nation, that I rise today in support of the National Endowment for the Arts.

RECOGNIZING FIRST BAPTIST CHURCH YOUTH CHOIR—SULPHUR SPRINGS, TX

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. HALL. Mr. Speaker, today I am honored to pay tribute to the First Baptist Church Youth Choir in Sulphur Springs, Texas. The choir is made up of 84 high school students. They have traveled to New York City, San Diego, San Francisco, Washington DC, Canada, the Bahamas, Disney World, Puerto Rico, Hawaii, Mexico, and this year will be traveling to Ireland. On these trips, the choir performs concerts in areas approved by the city, usually outdoors where anyone who is walking by can stop and listen. While the students are performing, the adult sponsors talk to those who are listening and distribute free Bibles to anyone who asks for one. These high school students have been able to reach the hearts of thousands of people in a variety of places.

The youth choir began in 1981 under the leadership of the Minister of Music of First Baptist Church, Fred Randles, and his wife, Jane. The students meet every Sunday evening for rehearsal. Throughout the year, they perform at church services and at Holiday in the Park at Six Flags over Texas to help them prepare for their summer trip. During the spring, they begin to learn choreography for the songs they sing.

The choir has received certificates of appreciation from four different Presidents, the U.S. Congress, and Disney World Entertainment Industry. They have also been recognized by the Governor of Cozumel, Mexico, and the Bahamas tourist board, and they have had appearances on Good Morning America and The Early Show on CBS.

In addition to performing, the students also participate in a number of ministry activities. In Hawaii, for example, they conducted Vacation Bible School and Sports Camp, worked with people who needed help around their house, helped at homeless missions, and shared the gospel with people who live on the beach.

The First Baptist Church Youth Choir of Sulphur Springs, TX has not only been blessed by the opportunities they have had, but also by the people whom they have met and associated with in their travels, and in turn the choir has been a blessing to their church and to multitudes of people around the world. As they travel to Ireland in July, I ask my colleagues to join me in recognizing these outstanding young people and commending them for the great work they are doing.

PIERCE COUNTY COURTHOUSE CENTENNIAL

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. KIND. Mr. Speaker, I rise today to pay tribute to a historic building in my home district in Wisconsin. Listed on the National Register of Historic Places, the Pierce County Courthouse has served as a grand symbol of law and order to the people of western Wisconsin

since 1905. I am pleased to honor the 100th anniversary of this unique building.

As early French pioneers made their way westward, they met the pristine beauty and abundant natural resources of the Mississippi River and its surrounding lands. Where the Mississippi meets the St. Croix River, they also encountered one of the most dense concentrations of native American villages in the upper Mississippi River Valley. It was here where many decided to settle, including those who began the first permanent settlement of Pierce County at Prescott in 1827.

By 1853, the population had grown and pierce became its own county, separating from St. Croix County. Prescott served as the first county seat, but in 1861 the people of the county voted to change the seat to Ellsworth. A brick courthouse then was constructed on the site of the current building.

The present courthouse was erected in 1905 in Ellsworth, and its evolution mirrors that of the city and of the county as a whole. The first courthouse in Ellsworth was made of logs. The next was a wooden frame building. Finally, in 1869, the brick courthouse was constructed, which included a jail. By the turn of the century, however, even this building was deemed inappropriate to the image and need of the growing county, and the current courthouse was erected as a true testament of the supremacy of law and a match to the beauty of the surrounding area.

Designed out of the neoclassical and Beaux arts architectural traditions, it is constructed from several types of native stone and accentuated by Tennessee marble. Inside, vaulted ceilings depict the beauty of western Wisconsin, rising to a baroque dome covering the five-story hexagonal rotunda. Mr. Speaker, this building truly brings well-deserved pride to the people of Pierce County.

On March 3, 1982, the Pierce County Courthouse was recognized by the National Register of Historic Places, honoring the courthouse as a historic place with great importance to the Pierce County community and the State of Wisconsin, as well as notable architectural significance. The residents of Pierce County also demonstrated their own appreciation for this unique courthouse when they chose to repair the beautiful building rather than allow the decapitation of its dome, a fate that often befalls historic buildings.

A centennial celebration will be held at the courthouse on June 26, 2005. I commend the people and the local public officials of Pierce County for having the vision to erect such a monument to justice, law, and beauty, and the foresight to maintain this local treasure. This building truly has been a source of pride to Pierce County for 100 years, and it will continue to do so for generations to come. Mr. Speaker, I thank you for the opportunity to honor this milestone before you today.

MELANIE SABELHAUS: A STRONG VOICE FOR SMALL BUSINESS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. MANZULLO. Mr. Speaker, today, I wish to recognize the outstanding dedication and leadership of Melanie Sabelhaus for her efforts and accomplishments in supporting small business nationwide. Melanie became the Deputy Administrator of the Small Business Administration in April of 2002, and has since helped to lead the agency to greater efficiency and effectiveness while drawing attention to women-owned businesses. She is leaving her position this month to pursue opportunities in the private sector.

After 15 years at IBM, Melanie Sabelhaus learned firsthand some of the challenges that face entrepreneurs when she started a property rental and management company in 1986. Melanie's entrepreneurial drive and business savvy grew her small business into a $10 million dollar a year enterprise. This woman is a success story.

When Melanie arrived at the SBA, she pledged to help create more opportunities for small business owners and entrepreneurs using her extensive business knowledge. She fulfilled her promise to an extent I could not have imagined. She, along with Administrator Hector Barreto and the rest of the agency, followed the President's Management agenda. SBA has made solid progress on most areas of the President's Management agenda.

Melanie was responsible for the successful implementation of the Execution Scorecard, which introduced ways to measure and rank district offices and SBA programs. The SBA also introduced the Business Matchmaking program while Melanie was in office, which has already resulted in 25,000 one-on-one meetings between small business owners and Federal agencies or large companies in the private sector.

As a woman entrepreneur herself, Melanie has given particular attention and support to women in small businesses. When she arrived at the agency in 2002, there were only 11,285 7(a) and 504 loans granted to women entrepreneurs for the entire year. In the past year, the number of loans to women has increased to over 18,000 for the two main loan programs at the agency. She is the leading advocate for women in business in this country, and has been a tremendous role model for women everywhere.

Melanie Sabelhaus has been the recipient of numerous philanthropy, business and government leadership awards, including 2002 Outstanding Volunteer Fundraiser of the Year Award for Maryland, awarded by the Association of Fundraising Professionals; the Artemis Award from the European-American Women's Conference; the Distinguished Women's Award from the Girl Scouts of Central Maryland; the Superstar Award from the Alzheimer's Association of Central Maryland, Maryland's Top 100 Women from The Daily Record; and the Outstanding Business Achievement Award from Ohio University.

I am sure that wherever Melanie Sabelhaus goes after her departure this month, she will make a similarly lasting mark there as she has at the SBA. Although I am sorry to see her go, my wife, Freda, and I wish her the best of luck in all of her future endeavors.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I was unable to vote on four amendments to H.R. 2863, Defense Appropriations for FY 2006, on Monday, June 20 due to a travel delay.

I would like the RECORD to reflect that I would have voted "aye" on agreeing to the Velázquez amendment; "aye" on agreeing to the DeFazio amendment; "aye" on agreeing to the Doggett amendment; and "aye" on agreeing to the Obey amendment.

PROVIDING FOR CONSIDERATION OF H.J. RES. 10, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 330 the Rule governing debate on H.J. Res. 10, an amendment to the Constitution to prohibit physical desecration of the flag of the United States. I oppose the Rule to H.J. Res. 10 because the Rule allows inadequate debate on a resolution is an overly broad infringement on the First Amendment Right to Freedom of Speech. This partisan, structure rule, severely limits amendment and debate on issues that affect every American citizen—the United States Constitution and the First Amendment.

I fully support the amendment offered by the Gentleman from North Carolina, the distinguished Chairman of the Congressional Black Caucus, Mr. WATT. That amendment is so simple that it nearly restates the First Amendment to the Constitution—which further exemplifies the ridiculous nature of the underlying legislation we debate before the Committee of the Whole House. It is a shame that Members have to propose and offer amendments that require adherence to the U.S. Constitution—as Representatives of the United States of America, we are charged with the duty of upholding individual rights, not restrict them.

In last Congress' iteration of this very legislation, I proposed an amendment that was not made in order. My amendment to that bill was designed to protect Americans' right to express their opinions and views about government activity. My amendment stated in pertinent part, "a person shall not have violated a prohibition under that section for desecrating the flag, if such desecration is an expression of disagreement or displeasure with an act taken or decision made by a local, State, or Federal Government of the United States."

Under my amendment Americans would have retained their freedom to speak out against actions taken by local, State, and Federal Governments through desecrations of the flag symbolizing their views. Our democratic government is a government of the people. Our citizen's freedom of expression is at the very heart of our democracy. An attack on American's freedom of expression is an attack on our entire democracy. My amendment would have protected our democracy and protects our citizens.

This Rule, on the other hand, is potentially harmful to our democracy and America's citizens. Freedom of speech and freedom of expression are fundamental components of our

democracy. Limiting the ability of American citizens to voice their opinions about their government, through flag desecrations or otherwise, is a violation of the principles of our democracy that are symbolized in the American flag, including the First Amendment right to freedom on expression.

I hope that the Republican leadership sees the irony of their decision to draft such a restrictive rule. We are debating a resolution that, if passed, will severely restrict American's ability to speak openly, freely, and fully, on issues that are of great concern to the public. Under this rule, my colleagues on this side of the isle are restricted from speaking openly, freely, and fully, on an issue that will have a drastic impact on the public, the First Amendment.

This proposed amendment to the Constitution, H.J. Res. 10, is a severe abridgement of the freedom of expression protected by the First Amendment of the United States Constitution. This rule is a severe abridgement of our ability to debate an issue that may have a profound impact on one of America's most fundamental rights.

Mr. Speaker, I oppose this Rule and I encourage my colleagues to do likewise.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7203–S7330

Measures Introduced: Twenty bills and two resolutions were introduced, as follows: S. 1290–1309, and S. Res. 180–181. **Pages S7293–94**

Measures Reported: S. 335, to reauthorize the Congressional Award Act. (S. Rept. No. 109–87)

H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute. (S. Rept. No. 109–88) **Page S7293**

Measures Passed:

Forest Service Anniversary: Senate agreed to S. Res. 181, recognizing July 1, 2005 as the 100th Anniversary of the Forest Service. **Page S7329**

Capitol Visitors Center: Committee on Rules and Administration was discharged from further consideration of S. Res. 179, to provide for oversight over the Capitol Visitors Center by the Architect of the Capitol, and the resolution was then agreed to. **Page S7329**

Energy Policy Act: Senate completed consideration of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, after taking action on the following amendments proposed thereto: **Pages S7204–84**

Adopted:

Domenici Amendment No. 891, to modify the section relating to the coastal impact assistance program. **Pages S7210–33**

By 52 yeas to 46 nays (Vote No. 154), Schumer Amendment No. 810, to strike a provision relating to medical isotope production. **Pages S7240–44, S7247–49**

Kyl Modified Amendment No. 990, to provide for a study relative to medical isotope production. **Pages S7249–51**

Talent/Johnson Amendment No. 819, to increase the allowable credit for fuel use under the alternatively fueled vehicle purchase requirement. **Pages S7262–63**

By 64 yeas to 31 nays (Vote No. 156), Bond/Levin Amendment No. 925, to impose additional requirements for improving automobile fuel economy and reducing vehicle emissions. **Pages S7251, S7263**

Schumer Amendment No. 811, to provide for a national tire fuel efficiency program. **Page S7264**

Craig (for Jeffords) Modified Amendment No. 832, to require the Secretary of the Interior to consult with the Administrator of the Environmental Protection Agency in the conduct of a coal bed methane study. **Page S7264**

Craig (for Reid/Ensign) Modified Amendment No. 871, to provide whistleblower protection for contract and agency employees at the Department of Energy. **Page S7264**

Craig (for Cochran) Modified Amendment No. 886, to include waste-derived ethanol and biodiesel in a definition of biodiesel. **Page S7264**

Craig (for Enzi) Modified Amendment No. 899, to establish procedures for the reinstatement of leases terminated due to unforeseeable circumstances. **Page S7264**

Craig (for Obama) Amendment No. 808, to establish a program to develop Fischer-Tropsch transportation fuels from Illinois basin coal. **Page S7264**

Craig (for Kerry) Amendment No. 825, to establish a 4-year pilot program to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, gasoline, or kerosene. **Pages S7264–65**

Craig (for Inhofe) Modified Amendment No. 940, to provide for the control of hazardous air pollutants from motor vehicles and motor vehicle fuels. **Page S7265**

Craig (for Domenici/Bingaman) Amendment No. 1005, to make a technical correction. **Page S7265**

Craig (for Vitter) Amendment No. 1006, to require the Secretary to carry out a study and compile exisiting science to determine the risks or benefits presented by cumulative impacts of multiple offshore liquefied natural gas facilities reasonably assumed to be constructed in an area of the Gulf of Mexico using the open-rack vaporization system. **Pages S7265–66**

Craig (for Byrd) Amendment No. 1007, to improve the clean coal power initiative. **Page S7266**

Craig (for Cantwell) Amendment No. 1008, to clarify provisions regarding relief for extraordinary violations. **Page S7266**

Craig (for Grassley/Baucus) Amendment No. 1009, to provide a Manager's amendment. **Page S7266**

Craig (for Obama) Modified Amendment No. 851, to require the Secretary to establish a Joint Flexible Fuel/Hybrid Vehicle Commercialization Initiative. **Page S7266**

Craig (for Salazar) Modified Amendment No. 892, to provide for the Western Integrated Coal Gasification Demonstration Project. **Page S7266**

Craig (for Durbin) Modified Amendment No. 903, to provide that small businesses are eligible to participate in the Next Generation Lighting Initiative. **Page S7266**

Craig (for Harkin) Modified Amendment No. 919, to enhance the national security of the United States by providing for the research, development, demonstration, administrative support, and market mechanisms for widespread deployment and commercialization of biobased fuels and biobased products. **Page S7266**

Craig (for Snowe) Amendment No. 834, to provide for understanding of and access to procurement opportunities for small businesses with regard to Energy Star technologies and products. **Page S7266**

Rejected:

By 21 yeas to 76 nays (Vote No. 155), Sununu/Wyden Amendment No. 873, to strike the title relating to incentives for innovative technologies. **Pages S7244–47, S7249**

By 28 yeas to 67 nays (Vote No. 157), Durbin Amendment No. 902, to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency. **Pages S7251–62, S7263–64**

Withdrawn:

Wyden/Dorgan Amendment No. 792, to provide for the suspension of strategic petroleum reserve acquisitions. **Page S7266**

During consideration of this measure today, Senate also took the following action:

By 92 yeas to 4 nays (Vote No. 152), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Pages S7209–10**

Chair sustained a point of order that Reid (for Lautenberg) Amendment No. 839, to require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison, was not germane, and the amendment thus fell. **Page S7210**

By 69 yeas to 26 nays (Vote No. 153), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Domenici Amendment No. 891, to modify the section relating to the coastal impact assistance program. Subsequently, the point of order that the amendment would cause the underlying bill to exceed the subcommittee section 302(B) allocation was not sustained. **Page S7233**

A unanimous-consent agreement was reached providing for the vote on final passage of the bill to occur at 9:45 a.m., on Tuesday, June 28, 2005, with paragraph 4 of Rule 12 waived. **Page S7283**

INTERIOR APPROPRIATIONS—AGREEMENT: A unanimous-consent agreement was reached providing that on Friday, June 24, 2005 at a time determined by the Majority Leader, after consultation with the Democratic Leader, Senate begin consideration of H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006; that the committee substitute be agreed to and considered as original text for the purpose of further amendment, with no points of order waived; provided further that all first-degree amendments be offered on Friday, June 24, and Monday, June 27, 2005. **Pages S7329–30**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the legislation and supporting documents to implement the United States-Dominican Republic-Central American Free Trade Agreement; which was referred to the Committee on Finance. (PM–14) **Pages S7291–92**

Transmitting, pursuant to law, a report on the continuation of the national emergency with respect to the extremist violence in Macedonia and the Western Balkans region; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–15) **Page S7292**

Nominations Received: Senate received the following Nominations:

Granta Y. Nakayama, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Kent R. Hill, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

Mary M. Rose, of North Carolina, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2011.

Stephanie Johnson Monroe, of Virginia, to be Assistant Secretary for Civil Rights, Department of Education.

Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

Peter Manson Swaim, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

Routine lists in the Army, Navy. **Page S7330**

Executive Communications: **Pages S7292–93**

Executive Reports of Committees: **Page S7293**

Additional Cosponsors: **Pages S7294–96**

Statements on Introduced Bills/Resolutions: **Pages S7296–S7319**

Additional Statements: **Pages S7290–91**

Amendments Submitted: **Pages S7319–28**

Authority for Committees to Meet: **Pages S7328–29**

Record Votes: Six record votes were taken today. (Total—157) **Pages S7209–10, S7233, S7248–49, S7249, S7263**

Adjournment: Senate convened at 9 a.m., and adjourned at 10:03 p.m. until 9:30 a.m., on Friday, June 24, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7330.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported the following bills:

H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute;

H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute; and

Proposed legislation making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006.

IRAQ

Committee on Armed Services: Committee concluded a hearing to examine United States military strategy and operations in Iraq, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; General Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff; General John P. Abizaid, USA, Commander, United States Central Command; and General George W. Casey, USA, Commanding General, Multi-National Force-Iraq.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1281, 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, with amendments;

S. 1280, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, with an amendment; and

The nominations of Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security, Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology, Department of Commerce, Ashok G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation, David A. Sampson, of Texas, to be Deputy Secretary of Commerce, John J. Sullivan, of Maryland, to be General Counsel of the Department of Commerce, Rear Admiral Sally Brice-O'Hara to be Director of the Coast Guard Reserve, and sundry officers in the National Oceanic and Atmospheric Administration.

U.S.-CHINA RELATIONS

Committee on Finance: Committee held a hearing to examine United States-China economic relations and China's role in the world economy, especially its currency valuation policy, and exports, and the World Trade Organization (WTO), receiving testimony from Senators Collins, Bayh, Graham, and Stabenow; Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; John W. Snow, Secretary of the Treasury; Kenneth Rogoff, Harvard University Department of Economics, Cambridge, Massachusetts; Neal Bredehoeft, American Soybean Association, Alma, Missouri; Sean Maloney, Intel Corporation, Santa Clara, California, on behalf of the U.S. Chamber of Commerce; Al Lubrano, Technical Materials, Inc., Lincoln, Rhode Island, on behalf of the National Association of Manufacturers.

Hearing recessed subject to the call.

HIV/AIDS

Committee on Foreign Relations: Committee concluded a hearing to examine issues relative to developing an HIV/AIDS vaccine, focusing on S. Res. 42, expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine, after receiving testimony from Representative Visclosky; Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Department of Health and Human Services; Ashley Judd, Franklin, Tennessee, on behalf of YouthAIDS; Helene Gayle, Bill and Melinda Gates Foundation, Seattle, Washington; and Seth Berkley, International AIDS Vaccine Initiative, New York, New York.

HIV/AIDS CARE PROGRAMS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine disparities in federal HIV/AIDS CARE programs, focusing on the effectiveness of CARE Act funding allocations in ensuring that all Americans living with HIV are provided access to core medical services and life-saving AIDS medications, after receiving testimony from Marcia G. Crosse, Director, Health Care, Government Accountability Office; Robert S. Janssen, Director, Divisions of HIV/AIDS Prevention, National Center for HIV, STD, and TB Prevention, Coordinating Center for Infectious Diseases, Centers for Disease Control and Prevention, and Deborah P. Hopson, Associate Administrator for HIV/AIDS, Health Resources and Services Administration, both of the Department of Health and Human Services; and Michael Montgomery, California Department of Health Services, Sacramento.

FAMILY MEDICAL LEAVE ACT

Committee on Health, Education, Labor, and Pensions: Committee met to discuss the Family Medical Leave Act, receiving testimony from Jamie Marsden, City of Gillette Human Resources, Gillette, Wyoming; Cheryl Barbanel, Boston University Occupational Health Center, Boston, Massachusetts; Sandy Boyd, National Association of Manufacturers, Laurie Dohnalek, Georgetown University Hospital, Janemarie Mulvey, The Employment Policy Foundation, and Debra Ness, National Partnership for Women and Families, all of Washington, D.C.; Susan O'Flaherty, Bank One, Chicago, Illinois; Patrick Lancaster, American Axle and Manufacturing, Detroit, Michigan; Jeff Payne, Palmeto Health Hospitals, Columbia, South Carolina; Robert Prybutok, Polymer Technologies, Newark, Delaware; Sue Willman, Spencer Fane, Kansas City, Missouri; Ellen Bravo, Multi-state Working Families Consortium, Milwaukee, Wisconsin; Marie Alexander, Quova, Inc., Mountain View, California; Jody Heymann, Harvard Center for Society and Health, Cambridge, Massachusetts; and Patti Philips, Atlanta, Georgia.

ROE v. WADE/DOE v. BOLTON

Committee on the Judiciary: Subcommittee on the Constitution concluded a hearing to examine the consequences of Roe v. Wade and Doe v. Bolton, after receiving testimony from Ken Edelin, Boston University School of Medicine, Boston, Massachusetts; Teresa Collett, University of St. Thomas Law School, Minneapolis, Minnesota; M. Edward Whelan, III, Ethics and Public Policy Center, and Karen O'Connor, American University, both of Washington, D.C.; R. Alta Charo, University of Wisconsin Law School, Madison; Sandra Cano, Atlanta, Georgia; and Norma McCorvey, Dallas, Texas.

VETERANS BENEFITS

Committee on Veterans' Affairs: Committee concluded a hearing to examine benefits-related legislative initiatives, focusing on S. 151, to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs, S. 423, to amend title 38, United States Code, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, S. 551, to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area, S. 552, to make technical corrections to the Veterans Benefits Improvement Act of 2004, S. 909, to expand eligibility for governmental markers for marked graves of veterans at private cemeteries, S. 917, to amend title 38, United States Code, to make permanent the pilot program for direct housing loans for Native American veterans, S. 1234, 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. 1235, to amend chapters 19 and 37 of title 38, United States Code, to extend the availability of $400,000 in coverage under the servicemembers' life insurance and veterans' group life insurance programs, S. 1138, to authorize the placement of a monument in Arlington National Cemetery honoring the veterans who fought in World War II as members of Army Ranger Battalions, S. 1252, to amend section 1922A of title 38, United States Code, to increase the amount of supplemental insurance available for totally disabled veterans, S. 1259, to amend title 38, United States Code, to extend the requirement for reports from the Secretary of Veterans Affairs on the disposition of

cases recommended to the Secretary for equitable relief due to administrative error and to provide improved benefits and procedures for the transition of members of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life, S. 1271, to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war, after receiving testimony from Senators Pryor and Allard; Daniel L. Cooper, Under Secretary of Veterans Affairs for Benefits; Steve Smithson, The American Legion, Quentin Kinderman, Veterans of Foreign Wars of the United States, Rick Surratt, Disabled American Veterans, and Carl Blake, Paralyzed Veterans of America, all of Washington, D.C.; and Richard Jones, AMVETS, Lanham, Maryland.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 3043–3055; and 4 resolutions, H. Con. Res. 188–190; and H. Res. 338 were introduced. **Pages H5100–01**

Additional Cosponsors: **Page H5101**

Reports Filed: Reports were filed today as follows:

H.R. 362, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, amended (H. Rept. 109–149) ;

H.R. 1797, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam (H. Rept. 109–150); and

H.R. 2364, to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs, amended (H. Rept. 109–151). **Page H5100**

Labor, Health and Human Services, Education Appropriations Act for FY 2006: H.R. 3010 making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006. **Pages H5000–73**

Agreed to limit further amendments made in order for debate and the time limit for debate on such amendments. **Pages H5069–70**

Agreed to:

Obey amendment that restored $100 million for the corporation for Public Broadcasting by a recorded vote of 284 yeas to 140 nays, Roll No. 305. **Pages H5040–47, H5070**

Rejected:

Owens amendment that sought to strike the priviso in the bill which prohibits funds in the bill from enforcing annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis by a recorded vote of 206 yeas to 216 nays, Roll No. 306; **Pages H5053–59, H5071**

Bradley amendment that sought to increase funding for Individuals with Disabilities Education Act by $50,000,000 for use as Part B grants to states and offset by taking administrative and program management funds from OSHA and the Department of Education by a recorded vote of 161 yeas to 262 nays, Roll No. 307. **Pages H5059–62, H5071–72**

Withdrawn:

Fosella amendment that was offered and subsequently withdrawn that sought to eliminate the rescission of $125 million in workers' compensation and worker-retraining funds intended to aid 9/11 first responders. The amendment designated this $125 million as emergency funding. **Pages H5047–49**

Peterson (PA) (No. 22 printed in the Congressional Record of June 22) that was offered and subsequently withdrawn that sought to increase the bill's appropriation for the Health Resources and Services Administration by $37,336,000. The amendment offsets this increase by cutting the bill's appropriation for the Occupational Safety and Health Administration by $37,336,000. **Pages H5051–53**

Johnson (CT) amendment that was offered and subsequently withdrawn that sought to increase

funds for Health Resources and Services by $11,200,000. **Pages H5062–63**

Capuano amendment that was offered and subsequently withdrawn that sought to increase by $5,000,000 and decrease by the same amount funds for the Centers for Disease Control and Prevention, Disease Control, Research, and Training. **Pages H5063–64**

H. Res. 337, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to the previous question by a yea-and-nay vote of 225 yeas to 194 nays, Roll No. 304. **Pages H4991–H5000**

Late Reports: Agreed that the Committee on Transportation and Infrastructure have until midnight on June 24 to file a report to accompany the bill H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States. **Page H5073**

Quorum Calls—Votes: One yea-and-nay vote and 3 Recorded votes developed during the proceedings of the House today and appear on pages H4999–H5000, H5070, H5071, and H5071–72.

Adjournment: The House met at 10 a.m. and adjourned at 9:04 p.m.

Committee Meetings

IRAQI SECURITY FORCES PROGRESS

Committee on Armed Services: Held a hearing on the Progress of the Iraqi Security Forces. Testimony was heard from the following officials of the Department of Defense: Donald H. Rumsfeld, Secretary; GEN Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff; GEN John Abizaid, USA, Commander, Central Command; and GEN George W. Casey, Jr., USA, Commander, Multi-National Forces—Iraq.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REAUTHORIZATION

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled ''Reauthorization of the National Highway Traffic Safety Administration.'' Testimony was heard from Jeffrey W. Runge, M.D., Administrator, National Highway Traffic Safety Administration, Department of Transportation; and public witnesses.

BANKING ON RETIREMENT SECURITY

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled ''Banking on Retirement Security: A Guaranteed Rate of Return.'' Testimony was heard from public witnesses.

FIRST RESPONDERS ANTI-TERRORISM TRAINING

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Science and Technology and the Subcommittee on Management, Integration, and Oversight held a joint hearing entitled ''The National Training Program: Is Anti-Terrorism Training for First Responders Efficient and Effective.'' Testimony was heard from Raymond W. Kelly, Commissioner, Police Department, City of New York; Shawn Reese, Analyst in American National Government, Government and Finance Division, CRS, Library of Congress; and public witnesses.

TORTURE VICTIMS RELIEF ACT IMPLEMENTATION

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations hearing on Implementing the 1998 Torture Victims Relief Act. Testimony was heard from Lloyd Feinberg, Manager, Victims of Torture Fund, U.S. Agency for International Development, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations approved for full Committee action the following measures: H.R. 2017, Torture Victims Relief Reauthorization Act of 2005; H. Con. Res. 168, amended, Condemning the Democratic People's Republic of Korea for the abductions and continue captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations; and H. Res. 333, Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security approved for full Committee action the following bills: H.R. 184, Controlled Substances Export Reform Act of 2005; H.R. 869, to amend the Controlled Substances Act to lift the patent limitation on prescribing drug addition treatments by medical practitioners in group practices; and H.R. 3020, United States Parole Commission Extension and Sentencing Commission Authority Act of 2005.

POTENTIAL OIL SOURCES

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing entitled ''The Vast North American Resource Potential of

Oil Shale, Oil Sands, and Heavy Oils,'' Part 1. Testimony was heard from Russell George, Executive Director, Department of Natural Resources, State of Colorado; and public witnesses.

MIGRATORY BIRD AND GREAT APE CONSERVATION MEASURES

Committee on Resources: Subcommittee on Fisheries and Oceans held a hearing on the following bills: H.R. 518, Neotropical Migratory Bird Conservation Improvement Act of 2005; and H.R. 2693, Great Ape Conservation Reauthorization Act of 2005. Testimony was heard from Marshall Jones, Assistant Director, United States Fish and Wildlife Service, Department of the Interior; and public witnesses.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT; OVERSIGHT—VETERANS AFFAIRS HEALTH COSTS

Committee on Veterans' Affairs: Ordered reported, as amended, H.R. 1220, Veterans' Compensation Cost-of-Living Adjustment Act of 2005.

The Committee also held an oversight hearing to examine the budget modeling and methodologies used by the Department of Veterans Affairs to develop and forecast veterans' health care cost and utilization projections for future years. Testimony was heard from Jonathan B. Perlin, M.D., Under Secretary, Health, Department of Veterans Affairs; John Kokulis, Deputy Assistant Secretary, Health Affairs for Health Budgets and Financial Policy, Department of Defense; representatives of veterans organizations; and public witnesses.

REVIEW TAX DEDUCTION FOR FACADE EASEMENTS

Committee on Ways and Means: Subcommittee on Oversight held a hearing to review the Tax Deduction for Facade Easements. Testimony was heard from Steven T. Miller, Tax-Exempt and Government Entities Division, IRS, Department of the Treasury; and public witnesses.

SOCIAL SECURITY—PROTECTING AND STRENGTHENING

Committee on Ways and Means: Subcommittee on Social Security continued hearings on Protecting and Strengthening Social Security. Testimony was heard from James B. Lockhart, Deputy Commissioner, SSA; Barbara Bovbjerg, Director, Education, Workforce, and Income Security, GAO; Patrick J. Purcell, Specialist in Social Legislation, Domestic Social Policy Division, CRS, Library of Congress; and public witnesses.

BRIEFING—GLOBAL UPDATES

Permanent Select Committee on Intelligence: Met in executive session to receive a Briefing on Global Updates. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 24, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine U.S. military strategy and operations in Iraq and associated funding issues, 10:30 a.m., SD–192.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, June 24

Senate Chamber

Program for Friday: Senate will begin consideration of H.R. 2361, Interior Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, June 24

House Chamber

Program for Friday: Continue consideration of H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006.

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