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No. 115

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 14, 2005.

I hereby appoint the Honorable MARK FOLEY to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Dr. Steve Houpe, Pastor, Harvest Church, Kansas City, MO, offered the following prayer:

Heavenly Father, in the name of my resurrected Saviour, I come before Your presence to thank You and praise You for Your goodness, mercy, grace, and love that You extend to us every day.

Thank You for the honor and privilege of living in this great country. Thank You for our freedom, for the ability to worship and serve You freely. Allow us to always honor You and Your ways. I pray for the mothers, the fathers, and children of this Nation. I pray for the schools, the government agencies, and businesses.

God, I beseech Your throne this day on behalf of these prominent leaders of our Nation. Give them Your truth, direction, Your wisdom and power. I pray for each of these Congressmen, their families, and the people they represent.

Lord God, I give You praise for what You have done, for what You are doing, and for what You are going to do. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

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

Mr. CLEAVER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1613. An act to amend that Livestock Mandatory Reporting Act of 1999 to extend the termination date for mandatory price reporting.

WELCOMING AND HONORING REVEREND STEVE HOUPE

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

Mr. CLEAVER. Mr. Speaker, I am pleased to rise today in recognition of our guest Chaplain, Dr. Steve Houpe, founder and Pastor of the Harvest Church in Kansas City, Missouri.

Soon after his graduation and ordination from Rhema Bible Training Center in 1986, Dr. Houpe began his ministry and founded Harvest Church, one of the fastest-growing congregations in our community.

But this was just the beginning. Dr. Houpe had a strong calling to education; and, in 1990, he founded Harvest Christian Schools, now Faith Academy,

to educate children in a Christian environment with a strong academic emphasis. And, in 1996, he founded Harvest Bible Institute to teach men and women to give of themselves for service in the ministry. Dr. Houpe has also been called to bring the word of God into the homes of people beyond his congregation through his authorship of four inspirational books.

Pastor Houpe further devotes himself to his wife Donna and their six beautiful children.

Pastor Houpe has touched countless lives in our community and across this Nation, and we are pleased to have him here today.

ONGOING EFFORTS IN THE AFTERMATH OF HURRICANE KATRINA

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

Mr. DELAY. Mr. Speaker, 2 weeks ago, Congress reconvened early to pass an emergency funding bill to meet the immediate relief and recovery needs of the Gulf Coast communities ravaged by Hurricane Katrina.

Last week, we met the growing humanitarian and economic needs by passing an additional \$51.8 billion in emergency relief.

This week, Mr. Speaker, with the levee repaired, the flood waters receding, and the immediate funding needs met, the House's focus must shift to the broader policy implications of the Katrina disaster.

Millions of our countrymen, men, women, and children, have been displaced all around our Nation. That means communities taking on larger populations, schools seating more students, hospitals seeing more patients, businesses serving more customers, roads and public transportation accommodating more travelers.

The first responders and emergency managers on the ground in the affected

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



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region from all levels of government are in charge of the national response in the coming days.

Congress must look at the coming months and years.

Toward that end, last week, the Speaker and Senator FRIST announced their intention to create a bipartisan, bicameral, select committee of senior Members and Senators to review and report findings about the preparations for and response to Hurricane Katrina. Isolated partisan attacks of the bipartisan committee notwithstanding, it will allow and require the Congress to do its constitutional duty to review the recovery and the policies that govern it.

The joint select committee will work, as even its shrillest critics must know.

Meanwhile, this week, the House is at work developing targeted policies for the ongoing national response, from a bill to protect Katrina's good Samaritans from predatory trial lawyers, to a bill to encourage more charitable giving to the Katrina private relief effort by providing targeted tax relief for the contributors to the recovery.

These and other policies will be brought to the floor as they are ready so that the House can respond as quickly and as effectively as possible.

Our entire Nation has its work cut out for it, recovering from this tragedy. The House will meet its responsibility, in the aftermath of this emergency, to lead.

CREATING A CABINET-LEVEL DEPARTMENT OF PEACE AND NON-VIOLENCE

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

Mr. KUCINICH. Mr. Speaker, from our deepest silence, from that place within each of us that knows peace, from our heart of hearts which connects us to the world and to the heart of the world, we know that fear leads to violence, that violence leads to war, that war leads to total destruction. Yet we do not want to fear, we do not want violence, we do not want war, we want peace. We desire peace so intensely that we are willing to do almost anything to achieve it, including spending half of our resources for arms to help feel secure.

We know we cannot continue on this perilous path of seeking peace through violence. We know that this approach offers our children no future at all.

So today we make a new beginning with House bill 3760, legislation to create a Cabinet-level department of peace and nonviolence. In doing so, dozens of Members of this Congress announced that we choose courage over fear and hope over despair. We announce our desire to create a new America and a new world.

CHILDREN'S SAFETY ACT

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

Ms. FOXX. Mr. Speaker, sexual predators lurk in the shadows of our neighborhoods and prey on those who are innocent and defenseless. Many sex offenders are living under the radar of local law enforcement and continue to elude the criminal justice system.

But we are bringing forth legislation that strengthens the critical need of protecting the safety of our children. H.R. 3132, the Children's Safety Act, addresses the growing epidemic of violence against children and enhances their safety from convicted sex offenders through coordinated State sex offender registration and notification programs.

One of the most crucial problems is that over 100,000 sex offenders are "missing." They have not complied with sex offender registration requirements. This legislation remedies this crisis by ensuring compliance and enforcement.

Child exploitation and sexual abuse are a growing predicament. This bill tightens mandatory minimums for crimes of violence against children. It expands the category of crimes to include juvenile sex offenses, possession of child pornography, and a new definition of sex offense.

It is time to shed light on this most egregious crime and tighten the outlets sex offenders use to desecrate our world.

HURRICANE KATRINA ACCELERATED TAX BENEFITS ACT

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

Mr. EMANUEL. Mr. Speaker, as we consider tax incentives for businesses that have been affected by Hurricane Katrina and help them get up and running, we must also help the affected families get up and running. Both are essential endeavors.

Americans have lost their homes and incomes through no fault of their own.

In the coming days, I will introduce the Hurricane Katrina Accelerated Tax Benefits Act. This bill will fast-track the Earned Income Tax Credit, the Child Tax Credit, and educational incentives such as the Hope and Lifetime Learning Credits to the people in the Gulf Coast, providing these hard-working Americans with much-needed resources. It will stimulate the economy and help rebuild the lives of affected Americans.

These Americans who have lost so much should receive their tax refunds now. They have worked for it, and they have earned it.

There is a precedent for fast-tracking tax refunds during times of crisis. Following the tragic events of September 11, 2001, Congress passed legislation to fast-track the Child Tax Credit refunds.

Mr. Speaker, we cannot undo the damage wrought by Hurricane Katrina, but we can begin to restore lives. By taking these steps, we can quickly deliver the funds to these families who have worked hard and paid taxes.

I hope my colleagues will join me in advancing this important legislation.

HOMELAND SECURITY VERSUS FOREIGN AID

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

Mr. POE. Mr. Speaker, it is the desire to be frugal that led the Base Closure Commission to recommend the retirement of the 147th Fighter Wing from Ellington Field in Houston, Texas.

The removal of these aircraft would severely weaken the military's ability to protect the City of Houston, NASA, the Port of Houston, the Port of Beaumont, and Port Arthur. It is for that reason that I have introduced House Resolution 412 which calls for the President to work with the Secretary of Homeland Security to ensure that any base closings do not affect homeland security inadvertently.

Mr. Speaker, we should reevaluate our foreign giveaway programs if we want to save money. When homeland security is at stake and the energy capital of the world is potentially without fighter protection, the penny pinchers need to reevaluate their priorities.

Like every mother tells her child, "safety first." So we need to keep the F-16s flying over Southeast Texas and the energy capital of the world.

GAMING INDUSTRY'S RESPONSE TO HURRICANE KATRINA

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

Ms. BERKLEY. Mr. Speaker, as millions of people lost their homes and their jobs, the casino and gaming industry in the Gulf Coast region is helping them in the aftermath of Hurricane Katrina.

I applaud the American Gaming Association for setting up the Gaming Industry Katrina Relief Fund to raise money to provide disaster relief and assistance to gaming employees in Mississippi and Louisiana.

Gaming companies have created programs to help their employees after the devastation of the hurricane. Among other relief efforts, Harrah's Entertainment has established a \$1 million Employee Recovery Fund and is paying employee wages for 90 days, Boyd Gaming is paying employees for 8 weeks, and the MGM Mirage has established a call center and paycheck distribution center in Biloxi.

The gaming industry is taking care of their employees in the areas ravaged by the hurricane. As usual, the industry has stepped up to the plate to help their employees weather the storm and

their communities to rebuild. I applaud the gaming industry for all they do.

□ 1015

THANKS TO QATAR

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

Mr. ROHRABACHER. Mr. Speaker, in the aftermath of Hurricane Katrina, we as a people should take note of those who immediately rushed forward to help. As a senior member of the International Relations Committee, I rise today to express my personal gratitude as well as that of my fellow Americans to the royal family and to the people of Qatar who once again demonstrated their generosity, friendship, and solidarity with the people of the United States at a time of our maximum suffering.

When it really counted, Qatar stepped forward with a generous gift of \$100 million to the American victims of Hurricane Katrina.

Qatar is a small country, yet it must rank near the top of America's list of friends and allies. With the leadership of a thoughtful and progressive royal family, Qatar is building democratic institutions including elections, freedom of press and religion, and a recognition of the rights of women.

Furthermore, after 9/11, our military was permitted to establish its headquarters in Qatar, which is vital to the safety of our troops and the success of America's operations in Afghanistan and Iraq.

Thank you, Qatar. You have proven to be friends when we needed you the most, and we will not forget it.

HURRICANE KATRINA EVACUEES IN THE DREAM CENTER

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

Ms. SOLIS. Mr. Speaker, over the weekend I visited the Dream Center in Los Angeles, California, which is currently housing over 250 evacuees of Hurricane Katrina. The Dream Center has committed to feeding, housing and clothing these evacuees. The stories that I heard from them are gut wrenching. I met a woman who escaped with her two nephews and her 80-year-old mother, Sheila Bell.

I also visited with a father who was caring for his youngster who is 1 year old. But Mrs. Bell, unfortunately, was separated from her daughters. Her daughters are somewhere in Texas. She cannot find them. She wants to hear from them. And I want to also applaud the firemen and the first responders who risked their own lives to help those in need to leave the center.

Mrs. Bell recounted that the water level in her house came up to her neck. But there are many stories like hers. And one of the things that I have to

bring forward is the fact that FEMA made a promise to give these evacuees assistance.

Now, it is 2 weeks, the assistance is not there. Political hacks have pushed aside the professionals out of FEMA. Since this President took office, 4.1 million people have slipped into poverty. The poor and underserved of the Gulf are the hardest hit. They are the ones that need our help.

Let us move forward and help those that need our assistance now.

RED TAPE AND HURRICANE RELIEF

(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, many of us were appalled at the red tape that hindered the Hurricane Katrina relief efforts. Hundreds of surgeons and paramedics were stranded in a state-of-the-art mobile hospital without patients to treat, prevented by Louisiana State officials from mobilizing their taxpayer-funded hospital closer to the disaster zone. State homeland security officials prevented the Red Cross from trucking in supplies in the immediate aftermath.

Police shut down a key bridge after the hurricane hit, preventing escape by victims of the storm. Churches in Louisiana asked by FEMA to take in victims of the hurricane have received no financial assistance from the agency, because FEMA cannot offer assistance to uncertified faith-based groups.

Survivors sleep on the floors of these churches while FEMA is storing unused cots in Louisiana warehouses. The worst thing that can come from all of these hearings, investigations, and commissions is more red tape of the sort that has slowed current relief efforts and probably cost many, many lives.

HURRICANE KATRINA TRAGEDY

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

Mr. MORAN of Virginia. Mr. Speaker, many people responded admirably and effectively in New Orleans and throughout the Gulf Coast. But the fact is that a natural disaster was turned into a human travesty because of incompetence, disorganization, and misplaced priorities.

And the answer does not lie in the firing of Michael Brown. It has been apparent to many who have watched what has happened within the Department of Homeland Security that FEMA has been unvalued within this administration, and as a result became a dumping ground for political hacks.

The fact is that 75 percent of FEMA's money has had to go to terrorism-related situations, such as paying overtime for TSA airport screeners, which

means that preparation for the possibility of flooding in New Orleans or an earthquake in San Francisco get very low priority.

In fact, we are not even preparing adequately now for an earthquake in San Francisco when two out of three of FEMA's highest priorities have already occurred with New York and New Orleans.

Mr. Speaker, another natural tragedy cannot be allowed to become another human travesty. We have to get into the guts of this organization, weed out the incompetents and fund it adequately and appropriately.

THANKS TO NASHVILLE ORGANIZATIONS

(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, you know some in Washington are choosing to score political points on the devastation caused by Hurricane Katrina. But out there in real America, real Americans are working to assist those who have been displaced.

I want to thank them for the great work that they are doing. Last week, I thanked our Memphis-area organizations who are helping our Gulf neighbors. Today I want to recognize the following Nashville-area organizations providing shelter. We have the CrieveWood Baptist Church and Tulip Grove Baptist Church and their congregations; Clear View Baptist Church in Williamson County is providing shelter as well as food.

Grace Works Ministries is collecting clothing and hygiene kits, and the Interfaith Dental Clinic is providing acute dental emergency care for free. The Montgomery Bell Academy Service Club has loaded an 18-wheeler full of supplies, and they sent it south to Mississippi.

In Montgomery County, the Hilldale Church of Christ is doing the good work of taking in our neighbors.

I have been in Mississippi to help with the relief efforts, and I applaud the Nation's aid organizations and all of the work the local charities and the outstanding volunteers are giving to our neighbors in need.

IN SUPPORT OF THE CHILDREN'S SAFETY ACT

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

Ms. HARRIS. Mr. Speaker, sometimes numbers paint a dramatic picture. According to a survey conducted by the U.S. Department of Justice, one in five children 10 to 17 years old are recipients of unwanted sexual solicitations online. One of every seven victims of sexual assault is under the age of 6. One in five girls will be sexually exploited before they reach adulthood.

And one in 10 boys will become victims before they become men.

According to the National Center For Missing and Exploited Children, the whereabouts of 100,000 to 150,000 of some 500,000 sexual offenders currently registered in the United States are unknown.

What is known is that we are not powerless. I fully support the measures included in the Child Safety Act. The passage of this bill will do nothing to bring about the safe return of children like Carlie Brucia, a Sarasota Girl Scout who was brutally victimized and murdered by a sexual predator. However, it will save other families the most undeniable anguish of losing a child to the most unthinkable acts of violence.

This bill takes commonsense steps toward ensuring sex offenders are not free to prey on the most vulnerable members of our society. H.R. 3132 will require States to alert other States when sexual offenders seek other locations.

There are many, many things that keep parents awake at night. Passage of this bill should not be one of those.

THE ROAD TO DEMOCRACY IN AFGHANISTAN

(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, in spite of great challenges, the Afghan people continue to make tremendous progress in creating a hopeful future for their families and their country.

On Sunday, Afghans will go to the polls to choose parliamentary candidates who will represent their views and reinforce their nation's status as a growing democracy. Preparations are being made to ensure that the upcoming election is fair and accessible to all citizens of Afghanistan.

Since many people in the country are illiterate, the ballots will list candidates names, photographs, personal symbols, and numbers to ensure that Afghans from all walks of life have the opportunity to participate in the election.

After witnessing the tremendous success of Iraq's elections, I am confident that the people of Afghanistan will also turn out overwhelmingly to cast their ballots.

They are committed to democracy and confident in their vision for their nation, which protects American families.

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

HURRICANE KATRINA

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

Mr. PRICE of Georgia. Mr. Speaker, Hurricane Katrina has devastated the

Gulf Coast unlike anything we have ever seen. The television cameras and newspaper pictures can only give us a glimpse of the devastation.

Recovery efforts will take time and resources, and many have opened their homes and their hearts and their wallets to those who have lost so much. And I am so very proud my home State of Georgia has stepped up to the plate to help those in need.

Everyone is doing their part. Many Georgia companies like Coca-Cola and UPS and Home Depot have given millions, million in aid to relief organizations.

But today I would like to recognize the hard work and dedication of some others, the students, the teachers and the schools of Georgia. Georgia schools are doing all they can, and we commend their efforts.

As of today, over 7,300 Hurricane Katrina-displaced students are enrolled in Georgia public and private schools. Georgia students are doing all they can as well. From bake sales to stuffing backpacks full of supplies, students are helping their new friends and peers by opening their hearts and homes.

Through times of crisis come times of opportunity, Georgians have seized that opportunity to help, and we are all grateful for their kindness and their generosity.

PROGRESS IN NEW ORLEANS

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

Mr. STEARNS. Mr. Speaker, there is progress in New Orleans. The Port of New Orleans received its first shipment, and more people are back in the area for brief visits to assess the damage to their homes. In areas that were not flooded or the flood waters have begun to recede, citizens and crews began the clean-up process.

The Governor's office reported that 16 of the region's 25 wastewater treatment plants are now operational. And the New Orleans airport reopened for cargo planes just last week. Although service will be extremely limited, the airport reopened to commercial traffic this week.

In the wake of such a crippling disaster, we are already seeing promising indicators of recovery for the city of New Orleans. Our thoughts and prayers are still with the people of the Gulf region, and we in Congress will continue to work to ensure that New Orleans and the Gulf Coast continue to move towards a full recovery.

PRAISING ROME KARES

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

Mr. GINGREY. Mr. Speaker, I rise today to praise an organization in my district, Georgia 11, that has done a

phenomenal job of delivering food, clothing, housing supplies, and even employment to the victims of Hurricane Katrina.

Rome Kares is a model of coordinated community response. The group has aided more than 100 families who have temporarily relocated to Rome, Georgia, and Floyd County from Louisiana and Mississippi.

Rome Kares is a group that distributes an electronic newsletter detailing the items that relocated families need and acts as a clearinghouse for organizations and individuals looking for ways to help. Above all, Rome Kares helps evacuees get set up and settled in their new adopted community.

These efforts have been incredibly successful. Rome Kares has delivered gasoline, diapers, water, and bedding to hurricane-stricken areas, and furniture supplies and clothing to local evacuees.

Mr. Speaker, in the aftermath of Hurricane Katrina, we have seen the best of America; and Rome Kares is a model of this generosity and compassion. I ask that you join me in thanking Rome Kares.

IN SUPPORT OF JUDGE ROBERTS

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today to voice my strong support for President Bush's nominee for Chief Justice, Judge John Roberts, Jr., who started his confirmation hearings in the Senate this week.

Fortunately, Judge Roberts has been applauded through editorial boards throughout the Nation, including some papers in my State. In fact, the Greenville News said: "It is fitting that Rehnquist's brilliant law clerk, Judge Roberts, a man seemingly cut from the same judicial cloth, was nominated Monday by President Bush to become the Nation's 17th Chief Justice, and a man of integrity and fairness."

Mr. Speaker, Judge Roberts is the kind of judge this country needs. He will apply the law as written and decide each case on its merits regardless of his political views. Republicans and Democrats alike have acknowledged Judge Roberts' outstanding career. Democratic lawyers Lloyd Cutler and Seth Waxman and former Republican House Counsel C. Boyden Gray have cited his unquestioned integrity and fair-mindedness in praising him.

Judge Roberts is the right man for the job, and I strongly support his speedy confirmation.

□ 1030

EXTRAORDINARY COAST GUARD

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

Mr. KINGSTON. Mr. Speaker, there are so many success stories that are

going on around Katrina and yet we always dwell on things that are not so successful, but I want to talk about the Coast Guard and some of the great things that the United States Coast Guard has done in the Gulf area.

They have rescued 33,000 lives and evacuated another 9,400 from local hospitals. They delivered tons of food and water to survivors. They have responded to over 650 spills of oil, gas and other hazardous material. They have repaired and replaced several hundred aids to navigation to get ports and waterways reopened to oil, gas and commerce. They brought in over 3,300 servicemen and women and called up another 800 reservists to undertake response operations. And they have moved over 75 aircraft, 25 cutters, 110 small boats into the disaster area to execute and search and rescue.

Their environmental cleanup has been probably the first that has taken place of any government agency. I commend the United States Coast Guard and wish them the best. Keep up the good work.

TEXANS MAKE AMERICA GREAT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to praise the people of Texas who have gone to great lengths to assist those devastated by Hurricane Katrina. In my Third District alone, there are shining examples of selflessness, sacrifice and service.

The City of Allen schools have enrolled over 100 evacuees. Plano has enrolled over 500. And in Wylie, a volunteer in a shelter helped a 15-year-old evacuee separated from his family find them in Houston; and then more volunteers drove him down there.

In McKinney, volunteers turned an old Wal-Mart into a shelter for 300 people, and within 48 hours they added showers, decorated play areas, created medical facilities, and even made Internet connections. One sign said it best, "Howdy. Welcome to Texas, y'all."

For these people who have volunteered their time, money and talents, God bless you and God bless America.

It is people like these who make Texas and America great. I salute all of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

REAUTHORIZING THE LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3408) to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act, as amended.

The Clerk read as follows:

H.R. 3408

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

SECTION 1. EXTENSION.

(a) IN GENERAL.—Chapter 5 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.) is amended by adding at the end the following new section:

"SEC. 260. TERMINATION OF AUTHORITY.

"The authority provided by this subtitle terminates on September 30, 2010."

(b) CONFORMING AMENDMENT AND EXTENSION.—Section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) is amended by striking "terminate on September 30, 2005" and inserting "(other than section 911 of subtitle A and the amendments made by that section) terminate on September 30, 2010".

SEC. 2. DEFINITIONS.

(a) BASE MARKET HOGS.—Section 231(4) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i(4)) is amended to read as follows:

"(4) BASE MARKET HOG.—The term 'base market hog' means a barrow or gilt for which no discounts are subtracted from and no premiums are added to the base price."

(b) BOARS.—Section 231(5) of such Act (7 U.S.C. 1635i(5)) is amended to read as follows:

"(5) BOAR.—The term 'boar' means a sexually-intact male swine."

(c) PACKER OF SOWS AND BOARS.—Section 231(12) of such Act (7 U.S.C. 1635i(12)) is amended by—

(1) striking subparagraph (B) and inserting the following new subparagraph:

"(B) for any calendar year, the term includes only—

"(i) a swine processing plant that slaughtered an average of at least 100,000 swine per year during the immediately preceding five calendar years; and

"(ii) a person that slaughtered an average of at least 200,000 sows, boars, or any combination thereof, per year during the immediately preceding five calendar years; and"; and

(2) in subparagraph (C)—

(A) by inserting "or person" after "swine processing plant";

(B) by inserting "or person" after "plant capacity of the processing plant"; and

(C) by inserting "or person" after "determining whether the processing plant".

SEC. 3. REPORTING; BARROWS AND GILTS.

Section 232(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635j(c)) is amended to read as follows:

"(c) DAILY REPORTING; BARROWS AND GILTS.—

"(1) PRIOR DAY REPORT.—

"(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant that processes barrows or gilts shall report to the Secretary, for each business day of the packer, such information as the Secretary determines necessary and appropriate to—

"(i) comply with the publication requirements of this section; and

"(ii) provide for the timely access to the information by producers, packers, and other market participants.

"(B) REPORTING DEADLINE AND PLANTS REQUIRED TO REPORT.—A packer required to report under subparagraph (A) shall—

"(i) not later than 7:00 a.m. Central Time on each reporting day, report information regarding all barrows and gilts purchased or priced, and

"(ii) not later than 9:00 a.m. Central Time on each reporting day, report information regarding all barrows and gilts slaughtered, during the prior business day of the packer.

"(C) INFORMATION REQUIRED.—The information from the prior business day of a packer required under this paragraph shall include—

"(i) all purchase data, including—

"(I) the total number of—

"(aa) barrows and gilts purchased; and

"(bb) barrows and gilts scheduled for delivery; and

"(II) the base price and purchase data for slaughtered barrows and gilts for which a price has been established;

"(ii) all slaughter data for the total number of barrows and gilts slaughtered, including—

"(I) information concerning the net price, which shall be equal to the total amount paid by a packer to a producer (including all premiums, less all discounts) per hundred pounds of carcass weight of barrows and gilts delivered at the plant—

"(aa) including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer or the accumulation of a balance to later be repaid by the packer to the producer; and

"(bb) excluding any sum earlier paid to a producer that must later be repaid to the packer;

"(II) information concerning the average net price, which shall be equal to the quotient (stated per hundred pounds of carcass weight of barrows and gilts) obtained by dividing—

"(aa) the total amount paid for the barrows and gilts slaughtered at a packing plant during the applicable reporting period, including all premiums and discounts, and including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer, or the accumulation of a balance to later be repaid by the packer to the producer, less all discounts; by

"(bb) the total carcass weight (in hundred pound increments) of the barrows and gilts;

"(III) information concerning the lowest net price, which shall be equal to the lowest net price paid for a single lot or a group of barrows or gilts slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of barrows and gilts;

"(IV) information concerning the highest net price, which shall be equal to the highest net price paid for a single lot or group of barrows or gilts slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of barrows and gilts;

"(V) the average carcass weight, which shall be equal to the quotient obtained by dividing—

"(aa) the total carcass weight of the barrows and gilts slaughtered at the packing plant during the applicable reporting period, by

"(bb) the number of the barrows and gilts described in item (aa), adjusted for special slaughter situations (such as skinning or foot removal), as the Secretary determines necessary to render comparable carcass weights;

"(VI) the average sort loss, which shall be equal to the average discount (in dollars per hundred pounds carcass weight) for barrows and gilts slaughtered during the applicable

reporting period, resulting from the fact that the barrows and gilts did not fall within the individual packer's established carcass weight or lot variation range;

“(VII) the average backfat, which shall be equal to the average of the backfat thickness (in inches) measured between the third and fourth from the last ribs, 7 centimeters from the carcass split (or adjusted from the individual packer's measurement to that reference point using an adjustment made by the Secretary) of the barrows and gilts slaughtered during the applicable reporting period;

“(VIII) the average lean percentage, which shall be equal to the average percentage of the carcass weight comprised of lean meat for the barrows and gilts slaughtered during the applicable reporting period, except that when a packer is required to report the average lean percentage under this subclause, the packer shall make available to the Secretary the underlying data, applicable methodology and formulae, and supporting materials used to determine the average lean percentage, which the Secretary may convert to the carcass measurements or lean percentage of the barrows and gilts of the individual packer to correlate to a common percent lean measurement; and

“(IX) the total slaughter quantity, which shall be equal to the total number of barrows and gilts slaughtered during the applicable reporting period, including all types of purchases and barrows and gilts that qualify as packer-owned swine; and

“(iii) packer purchase commitments, which shall be equal to the number of barrows and gilts scheduled for delivery to a packer for slaughter for each of the next 14 calendar days.

“(D) PUBLICATION.—

“(i) IN GENERAL.—The Secretary shall publish the information obtained under this paragraph in a prior day report—

“(I) in the case of information regarding barrows and gilts purchased or priced, not later than 8:00 a.m. Central Time, and

“(II) in the case of information regarding barrows and gilts slaughtered, not later than 10:00 a.m. Central time,

on the reporting day on which the information is received from the packer.

“(ii) PRICE DISTRIBUTIONS.—The information published by the Secretary under clause (i) shall include a distribution of net prices in the range between and including the lowest net price and the highest net price reported. The publication shall include a delineation of the number of barrows and gilts at each reported price level or, at the option of the Secretary, the number of barrows and gilts within each of a series of reasonable price bands within the range of prices.

“(2) MORNING REPORT.—

“(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant that processes barrows or gilts shall report to the Secretary not later than 10:00 a.m. Central Time each reporting day—

“(i) the packer's best estimate of the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

“(ii) the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

“(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

“(iv) the base price paid for all base market hogs purchased through each type of pur-

chase other than negotiated purchase up to that time of the reporting day, unless such information is unavailable due to pricing that is determined on a delayed basis.

“(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the morning report as soon as practicable, but not later than 11:00 a.m. Central Time, on each reporting day.

“(3) AFTERNOON REPORT.—

“(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant that processes barrows or gilts shall report to the Secretary not later than 2:00 p.m. Central Time each reporting day—

“(i) the packer's best estimate of the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

“(ii) the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

“(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

“(iv) the base price paid for all base market hogs purchased up to that time of the reporting day through each type of purchase other than negotiated purchase, unless such information is unavailable due to pricing that is determined on a delayed basis.

“(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the afternoon report as soon as practicable, but not later than 3:00 p.m. Central Time, on each reporting day.”

SEC. 4. REPORTING; SOWS AND BOARS.

Section 232 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635j) is amended by—

(1) redesignating subsection (d) as subsection (e); and

(2) inserting after subsection (c) the following new subsection:

“(d) DAILY REPORTING; SOWS AND BOARS.—

“(1) PRIOR DAY REPORT.—The corporate officers or officially designated representatives of each packer of sows and boars shall report to the Secretary, for each business day of the packer, such information reported by hog class as the Secretary determines necessary and appropriate to—

“(A) comply with the publication requirements of this section; and

“(B) provide for the timely access to the information by producers, packers, and other market participants.

“(2) REPORTING.—Not later than 9:30 a.m. Central Time, or such other time as the Secretary considers appropriate, on each reporting day, a packer required to report under paragraph (1) shall report information regarding all sows and boars purchased or priced during the prior business day of the packer.

“(3) INFORMATION REQUIRED.—The information from the prior business day of a packer required under this subsection shall include all purchase data, including—

“(A) the total number of sows purchased and the total number of boars purchased, each divided into at least three reasonable and meaningful weight classes specified by the Secretary;

“(B) the number of sows that qualify as packer-owned swine;

“(C) the number of boars that qualify as packer-owned swine;

“(D) the average price paid for all sows;

“(E) the average price paid for all boars;

“(F) the average price paid for sows in each weight class specified by the Secretary under subparagraph (A);

“(G) the average price paid for boars in each weight class specified by the Secretary under subparagraph (A);

“(H) the number of sows and the number of boars for which prices are determined, by each type of purchase;

“(I) the average prices for sows and the average prices for boars for which prices are determined, by each type of purchase; and

“(J) such other information as the Secretary considers appropriate to carry out this subsection.

“(4) PRICE CALCULATIONS WITHOUT PACKER-OWNED SWINE.—A packer shall omit the prices of sows and boars that qualify as packer-owned swine from all average price calculations, price range calculations, and reports required by this subsection.

“(5) REPORTING EXCEPTION: PUBLIC AUCTION PURCHASES.—The information required to be reported under this subsection shall not include purchases of sows or boars made by agents of the reporting packer at a public auction at which the title of the sows and boars is transferred directly from the producer to such packer.

“(6) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in a prior day report not later than 11:00 a.m. Central Time on the reporting day on which the information is received from the packer.

“(7) ELECTRONIC SUBMISSION OF INFORMATION.—The Secretary of Agriculture shall provide for the electronic submission of any information required to be reported under this subsection through an Internet website or equivalent electronic means maintained by the Department of Agriculture.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I rise today in support of H.R. 3408, a bill to reauthorize the Livestock Mandatory Reporting Act of 1999.

Mr. Speaker, when the Congress considered this legislation in 1999, its intent was to improve the livestock market news reporting system so that farmers and ranchers, particularly those that rely on cash market sales, could enjoy improved market transparency and better price discovery.

In particular, the Act provided the USDA with the authority to collect and disseminate information that can be readily understood by livestock producers, packers, and other participants, including information with respect to pricing, contract for purchase, and supply and demand conditions for livestock, livestock production, and livestock products.

The legislation enacted in 1999 was the product of extensive discussion between livestock producers and packers. We relied on this process partly because it was such a technical issue, but mostly we wanted to avoid the situation where segments of the industry were divided against each other. After considerable give and take, the final product was agreed on by all participants.

As the time for reauthorization neared, producers and packers engaged again in a dialogue to develop a consensus proposal for reauthorization. H.R. 3408 is the product of this hard work. The coalition that supports this consensus legislation included the National Pork Producers Council, the American Meat Institute, the National Cattlemen's Beef Association, the Chicago Mercantile Exchange, the American Sheep Industry Association, and the American Farm Bureau Federation.

This package, as it appears before us today, is a carefully crafted document. All of these organizations have agreed that they will oppose it "if any amendment is adopted that does not have the prior agreement" of the coalition.

Mandatory price reporting expires at the end of September, and this bill reauthorizes it for 5 years with minor changes representing the consensus of our constituents.

Mr. Speaker, I would like to thank my colleague, the ranking member, the gentleman from Minnesota (Mr. PETERSON) for working with us on this legislation. I urge my colleagues to support the bill.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman for his leadership on this issue. Policy is always best when we can work together in a bipartisan manner to craft legislation which we have done on this piece of legislation and we have legislation that addresses the needs of his stakeholders. I think we have accomplished that today with the reauthorization of the mandatory price reporting law.

I think it should be noted that when this was first put together and considered back in 1999, it was somewhat controversial and there were some groups that were opposed to it. And to show you kind of what has happened this time, the groups that were concerned back then support this law and support this reauthorization.

Originally, it was balanced to address the concerns of the livestock producers with price transparency, and mandatory price reporting I think has served the industry well. Mandatory price reporting is a necessary tool to ensure that our producers have a transparent market atmosphere. As the structure of our livestock production systems continue to change, it is necessary to preserve the safety net that guarantees our producers are receiving fair prices for their livestock.

The legislation we consider today improves the quality and quantity of information, making the process more accurate and more efficient. The 5-year reauthorization is important and should be completed as soon as possible. It is important that we complete this task so we can avoid the gap in reporting that occurred last year.

I am pleased to support this bill with the gentleman from Virginia (Mr. GOODLATTE) and I urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3408, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3408.

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

There was no objection.

SUPPORTING A NATIONAL DAY OF PRAYER AND REMEMBRANCE FOR VICTIMS OF HURRICANE KATRINA

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 240) supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day.

The Clerk read as follows:

H. CON. RES. 240

Whereas on August 25, 2005, Hurricane Katrina made landfall on the southeast tip of Florida as a Category 1 hurricane;

Whereas Hurricane Katrina moved into the Gulf of Mexico, rapidly intensifying to a Category 5 hurricane and, on August 29, 2005, made landfall on the Gulf coast as a Category 4 hurricane with 140 mile-per-hour winds, devastating communities and towns in Alabama, Mississippi, and Louisiana;

Whereas the levees protecting the city of New Orleans, Louisiana from Lake Pontchartrain failed, causing heavy flooding in the city and inflicting incredible human and material damage;

Whereas Hurricane Katrina caused the evacuation of the city of New Orleans, marking the first time a major American city has been completely evacuated;

Whereas the number of individuals killed by Hurricane Katrina is estimated to be in the hundreds;

Whereas the damage to human life and the fabric of families torn apart by Hurricane Katrina is inestimable;

Whereas Hurricane Katrina has inflicted enormous damage to homes and businesses along the Gulf Coast, with damage estimates in the hundreds of billions of dollars;

Whereas Hurricane Katrina left an estimated five million people without power,

and it may be months before all power is restored;

Whereas the States of Alabama, Mississippi, Louisiana, and Florida have received federal disaster declarations;

Whereas Hurricane Katrina ranks among the worst natural disasters in our Nation's history;

Whereas years of intense effort will be required to recover from the devastation caused by Hurricane Katrina and to rebuild the Gulf Coast;

Whereas the American people have an inherent spirit of willpower and strong resilience;

Whereas the American people have opened their hearts and their homes to the victims of Hurricane Katrina, sheltering its victims, providing food and medical assistance, and donating hundreds of millions of dollars to the relief effort;

Whereas Louisiana Governor Kathleen Blanco declared August 31, 2005, to be a day of prayer in the State of Louisiana, and asked that all Louisianans take time that day to pray for the victims of Hurricane Katrina and their rescuers; and

Whereas President George W. Bush has proclaimed September 16, 2005, to be a National Day of Prayer and Remembrance for the Victims of Hurricane Katrina: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encourages all Americans to observe that day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

GENERAL LEAVE

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 240.

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

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of House Concurrent Resolution 240. This resolution expresses the solidarity of the House of Representatives with the people of the Gulf Coast whose lives have been lost, uprooted, and otherwise changed forever because of Hurricane Katrina.

On August 29, Hurricane Katrina slammed into Louisiana as a Category 4 hurricane. It left almost the entire city of New Orleans under water and ravaged numerous other Gulf Coast communities. Hundreds of people were killed and millions forced to evacuate for an indefinite period of time. Katrina was one of the most destructive natural disasters that the United States has ever endured. The entire Nation has been grieving for more than 2 weeks.

President Bush proclaimed this Friday, September 16, to be a national day of prayer and remembrance for the victims of Hurricane Katrina. On behalf of all Members, I commend the President for this proclamation and urge all Americans to keep the victims of this storm in their prayers.

As a Floridian, I can particularly empathize with the people of the Gulf Coast. First, it is important to remember that before the hurricane gained power and hit Louisiana, Mississippi, and Alabama, Katrina also struck south Florida as a Category 1 storm on August 25, killing 11 people. And last summer, in just over a one-month period, three devastating hurricanes, Charley, Frances and Ivan, destroyed neighborhoods, churches, businesses and communities throughout the State of Florida. These storms killed nearly 100 people and caused billions and billions of dollars in damage.

Hurricane Katrina has proved to be even more costly, and that is why I know I speak for all Americans when I say that we stand shoulder to shoulder with the victims of this once-in-a-lifetime storm.

Mr. Speaker, the Committee on Government Reform, of which I am very proud to be a member, will hold its first oversight hearing on the Federal government's overall response to Katrina tomorrow morning. The committee, led by our very distinguished chairman, the gentleman from Virginia (Mr. TOM DAVIS), seeks to gauge the efficacy of the hurricane preparation and recovery effort, determine what lessons our government has learned, and evaluate the preparedness of other major U.S. cities to cope with disasters of all types in the future.

This Congress is overwhelmed with grief as a result of Katrina, and all Members are resolved to do everything possible to help to provide the necessary support to authorities and volunteers who are working to rebuild this area.

Mr. Speaker, as we mourn the souls we lost to the incredible force of nature that was Hurricane Katrina, we are compelled to recognize the back-breaking, selfless, life-preserving work of the altruistic military and law enforcement personnel, relief workers, volunteers and others. Their seemingly endless work has been in full gear for more than 2 weeks now, and we are all indebted to them for coming to the rescue of our Gulf Coast neighbors.

Mr. Speaker, September 11, the October 2003 wildfires, the hurricanes in Florida last summer, and now Hurricane Katrina, these tragic events in this country have all had similar remarkable silver linings, and that is each brought out the best in the American people. Americans are an incredibly compassionate people, and they have and will do anything to help their neighbors.

In recent days, there has been a colossal outpouring of benevolence and aid from citizens across this great land.

The citizens of the Gulf Coast region have desperately needed this support. But our Louisiana, Mississippi, and Alabama neighbors continue to need much more aid as so many lost their homes, their jobs, their precious belongings, and even their loved ones.

Mr. Speaker, I know my distinguished colleagues will support this resolution, and I commend the sponsor. I urge Americans to observe the National Day of Prayer and Remembrance for Hurricane Katrina victims on Friday.

Finally, Mr. Speaker, I want to assure the people of North and South Carolina that they, too, have our prayers as they brace for Hurricane Ophelia making landfall today.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Hurricane Katrina first made landfall on August 25, 2005, on the southeastern tip of Florida as a Category 1 hurricane. Hurricane Katrina then moved into the Gulf of Mexico and steadily made her way towards the Gulf Coast, intensifying to a Category 5 storm.

On August 29, 2005, the hurricane was a Category 4 storm which sustained winds of 140 miles per hour and a storm surge over 20 feet when she devastated the Gulf Coast.

□ 1045

Hurricane Katrina swept along the coasts of Alabama, Mississippi, Florida and Louisiana, leaving a path of destruction in her wake. Two of the levees that protect the city of New Orleans from the waters of Lake Pontchartrain gave way under the enormous pressure of the flood waters that Katrina left behind.

Overnight, much of the city of New Orleans was filled with water. Many residents of the Crescent City, who had thought the worst was over, were confronted by nearly 25 feet of water in the streets and in their homes.

One of the worst natural disasters in United States history, Hurricane Katrina has resulted in economic losses that include property damage to homes, cars, ports, refineries, and public property. It is estimated that Hurricane Katrina has cost at least \$125 billion in economic damage and could cost the insurance industry up to \$60 billion in claims. No dollar figure, however, can be placed on the pain and suffering Katrina has wrought on those who stood in her path.

The American people and the international community have responded overwhelmingly to this tragedy. They are donating money, lending their time, sharing expertise, making many innumerable sacrifices of their own in order to be helpful.

On August 31, 2005, Governor Kathleen Blanco declared a day of prayer in Louisiana and asked that all Louisianans pray for the victims and

their rescuers that day. On September 16, 2005, the National Day of Prayer will be observed in recognition of the many lives lost and the countless lives forever changed by Hurricane Katrina.

Mr. Speaker, I am so proud of the way in which my own State, the Land of Lincoln, the State of Illinois, reacted to this tragedy. I take this opportunity to commend the Governor for opening the doors of the State, the county board president for extending physicians and nurses and other personnel to the affected areas, to the mayor of our city and especially to the people of my congressional district and all over the country who have given continuously in order to show that they, too, experienced the same devastation and that their hearts, their minds and their resources go out to the victims.

I would urge all of us to support a day of prayer.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas City, Missouri (Mr. CLEAVER).

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

Mr. CLEAVER. Mr. Speaker, I thank my friend from Illinois for yielding me the time.

Mr. Speaker, the devastation wrought by Hurricane Katrina is almost unfathomable. Hundreds of lives have been lost; families have been torn apart; people's homes, jobs, possessions and everything they have built up over their entire lives has been swept away; billions of dollars in damage has been inflicted; and the coast along the States of Louisiana, Mississippi, Alabama and Florida has been flattened and flooded. New Orleans, the Big Easy, the Crescent City, the culinary capital of the Nation, has simply become an extension of Lake Pontchartrain. It is now clear that Hurricane Katrina is one of the worst natural disasters to ever hit America.

My son Evan graduated in May from Dillard University in New Orleans and was still there when Katrina struck, and I thank God that he escaped with his life; but like so many others, he lost most of his possessions when Katrina pulled back the roof of the apartment building where he lived. Having now been separated from his friends, his work and his adopted city, his life will never be the same.

Although he lost almost everything, he was able to retrieve his video camera and was able to record what is now left of New Orleans. He shared that video with his mother and me this past week; and although I cannot fathom what it is like for those who have experienced Katrina's wrath firsthand, I can tell my colleagues that I was deeply, deeply saddened and affected by the images of utter devastation wrought by the storm.

Seeing that video reinforced my resolve to help Katrina's victims, help rebuild the Gulf Coast; and it reinforced in my mind that there is an incredible

need for prayer. That is why I decided to introduce this resolution for a national day of prayer and remembrance.

Many in our Nation believe, as do I, that prayer changes things and that it represents the highest level of human communication. As many of us now know, this Friday, September 16, has been designated as a day of prayer and remembrance for the victims of Hurricane Katrina; and my resolution, the resolution we are currently considering, expresses the support of Congress for such a day and urges all Americans to join together this Friday to remember those that have lost their lives and to ask for strength and determination for those that are trying to rebuild their lives and their city.

In the wake of tragedy, the American people have always stepped up to support their fellow man and woman, and Hurricane Katrina is no different. The American people have opened their hearts, their checkbooks and even their homes in sheltering the storm's victims, providing food and medical assistance, and donating hundreds of millions of dollars to the relief effort.

In my home State of Missouri, for example, Children's Mercy Hospital of Kansas City, Missouri, has opened their doors to a number of young patients and families flown in from New Orleans by the Missouri Air National Guard, and the Red Cross has raised hundreds of thousands of dollars in Kansas City.

The compassion and generosity of the American people is unparalleled; but as the devastation and full impact of Hurricane Katrina is further understood, its victims and their families will more than ever need us all to keep them in our thoughts and prayers as well.

As senior pastor of the St. James United Methodist Church in Kansas City, I have called on my congregation to support the evacuees with their time, talent, treasure and prayer. I have asked them to pray for the victims of Hurricane Katrina, their families and all those who are aiding in the recovery and relief effort.

I hope my colleagues will all join me in the support of this resolution and will join me in prayer, along with the President, at the National Cathedral this Friday and join the American people to remember all those affected by the devastating events of the past 2 weeks.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Let me just state that I agree wholeheartedly with the gentleman from Missouri (Mr. CLEAVER) that prayer is the highest form of human communication; that it has a way of making things different. So I would simply urge passage of this resolution and thank him for its introduction.

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, regardless of what denomination one belongs to, we all

know the power of prayer; and that is one reason why I am sure that my colleagues will join me in supporting the National Day of Prayer for Hurricane Katrina victims.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 240.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 436 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That at any time after 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. 3132) to make improvements to the national sex offender registration program, 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 the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 436 is a modified open rule that provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill. This rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment. It provides that the bill shall be considered for amendment under the 5-minute rule and that it shall be read by title.

It makes in order only those amendments to the bill that are preprinted in the CONGRESSIONAL RECORD or are pro forma amendments for the purpose of debate, provides that each amendment printed in the CONGRESSIONAL RECORD may be offered only by the Member who caused it to be printed or a designee, and that each amendment shall be considered as read. It provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today to speak on behalf of House Resolution 436 and the underlying bill, H.R. 3132, the Children's Safety Act of 2005.

First, I would like to take this opportunity to commend Chairman SENSENBRENNER for this comprehensive bill addressing the unconscionable atrocities perpetrated against our children by sexual predators and for his committee's thorough work and committed devotion to seeing this bill realized.

Mr. Speaker, this fight is not a new one. The sexual and physical abuse of our most fragile and defenseless citizens, our children, is perhaps the most offensive and utterly unconscionable act that can be committed.

□ 1100

Members on both sides of the aisle recognize the need to continually find new ways to prevent sexual abuse and to thoroughly and justly punish those who commit these heinous acts.

The Children's Safety Act of 2005 would combat the sexual exploitation and abuse of our children through mounting an offensive on numerous fronts and through combining various pieces of good, solid legislation into this one comprehensive bill. The final product compiles the Sex Offender Registration and Notification Act, the DNA Fingerprinting Act of 2005, the Prevention and Deterrence of Crimes Against Children Act of 2005, the Protection Against Sexual Exploitation of Children Act of 2005, and the Foster Child Protection Act of 2005.

Mr. Speaker, H.R. 3132 is a commonsense bill. For too long the laws have

not fully reflected or reacted to the changing environment in which our children are vulnerable. While the Constitution always protects the accused and harmed alike, we should not allow the law to be procedurally twisted by child abusers to keep them on the streets to harm another child because of a technicality or because of insufficient support for our law enforcement and communities.

Mr. Speaker, H.R. 3132 would require that the definition of sex offender be expanded to include both felony sex offenses and misdemeanor sex offenses. Additionally, this bill would make the possession of child pornography a triggering offense for registration and notification requirements.

Another important provision of this bill would require a State to maintain a statewide Internet site to provide thorough and current information about sex offenders. This information would include the current location of the sex offender, the facts underlying the offender's conviction, any vehicles owned or used by the offender, a picture and other up-to-date information to keep communities informed and give them every possible piece of information available to assess the potential threats of these individuals.

Additionally, Mr. Speaker, this bill makes full use of new and innovative technologies available to law enforcement. Specifically, DNA technology. It has grown by leaps and bounds, and today this technology gives law enforcement new and more precise tools to keep innocent people free and keep criminals behind bars, where they belong. This bill would also require the Attorney General to create a prioritized DNA database focused specifically on those violent predators who would prey on our children.

Mr. Speaker, I cannot emphasize enough that our primary goal must be to prevent child abuse and stop these deviants before they get their hands on a child and before they destroy a child's fragile life. However, when one of these deviants does harm a child, then the full weight of the law should be upon them.

This bill would impose new mandatory minimum penalties for violent crimes committed against children. These mandatory minimums include the death penalty or life imprisonment when a child is murdered. It imposes a 30-years-to-life imprisonment when the offender kidnaps, maims, commits aggravated sexual abuse, or causes serious bodily harm to a child. Additionally, the bill requires a 20-year minimum sentence when the crime of violence results in a nonserious bodily injury to a child. Fifteen-years-to-life imprisonment is required when the defendant uses a dangerous weapon, and in any other case the minimum penalty ranges from a mandatory 10 years to life imprisonment.

Additionally, Mr. Speaker, this bill would increase the existing mandatory penalties for several existing sexual of-

fenses, including engaging in a sexual act with a child, committing abusive sexual contact and sexual exploitation of a child, trafficking child pornography, and the use of the Internet to prey on children.

I would also like to add that this bill places new requirements on our States to ensure that they perform complete background checks on potential foster and adoptive parents, and grants relevant State agencies access to national criminal history databases. Our State and local governments should never, let me repeat, never deliver a child into the hands of a sexual predator.

The Children's Safety Act also addresses the growing problem of kidnapping and sex trafficking. The trafficking of children is a problem not just here in the United States but globally, and this bill will increase the penalties for sex trafficking of children. We have to root these thugs out and shut down their operations. Sexual abuse of children must be stopped at all levels and in all degrees. From the lone abuses to a network of criminals peddling children for the pleasure of perverts, this must be stopped, and this bill goes a long way to strengthen law enforcement capabilities and making sure the punishment justly fits the crime.

In conclusion, Mr. Speaker, I want to encourage my colleagues on both sides of the aisle to unite behind this commonsense legislation. Let us keep sexual predators away from our children, off the streets, and serving their time.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, we are here today to consider the rule for H.R. 3132, the Children's Safety Act of 2005. This rule has a requirement that all amendments be preprinted in the CONGRESSIONAL RECORD to be in order for today's floor debate. While this rule is less restrictive than most rules we report out of the Committee on Rules, I must point out that it is not an open rule. It restricts the debate we will be able to have today on this bill by preventing Members from offering any new amendments.

For example, if a Member came up with a good idea for an amendment today based upon the discussion, he or she would not be able to offer it. That is unfortunate, because the Children's Safety Act is important legislation that aims to protect our children and allow them to grow up unharmed and free from abuse, but it is not perfect.

This legislation ties the hands of the judiciary. We must allow those most competent, the judge who has presided over the case, who has seen and heard from the victim, to determine the appropriate punishment. Our judges are best positioned to hand down sentences that correspond with the crime committed.

Mr. Speaker, it is our responsibility to create laws that protect our children from harm.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), who has been extremely active in the crafting of this legislation. Her bill, which she will talk about, is actually included in this overall comprehensive bill. And she knows well, if not better than all of us, about these matters because some of these heinous acts occurred within the last year in her great State of Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

As the person who represents the area that Jessica Lunsford grew up in and knowing her family very, very well, all of America was focused on Jessica when she turned up missing. Then we found out that she was the victim of a predator, a very, very sick, depraved man. Jessica is no longer with us; and I commend the Members of Congress, including yourself, Mr. Speaker, with whom I have worked very closely, and certainly the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, in putting together the Children's Safety Act.

No parent should worry when their child is at a playground whether or not a sexual predator is nearby. There were many loopholes in the various State laws in Jessica's case. The perpetrator came into Florida from Georgia. He registered at one point but then transferred his address. The probation officer never knew that he had a prior offense of violating children. Had that probation officer known that, he never would have allowed the offender anywhere near a school.

That is but one of the very excellent facets of this bill in addition to having the nationwide registration and availability on line so that parents, so that grandparents, so that anyone can go and find out who the offenders are in their neighborhood so that every family member can have a modicum of safety in knowing who is nearby.

It also, as I mentioned, does allow for probation officers to know about a prior offense. Now, why is that important? I firmly believe, Mr. Speaker, that Jessica Lunsford would be here today had the probation officer known that.

Additionally, the bill also picks up on some language that I had in the Jessica Lunsford Act, and part of this bill is named after her, that provides for more frequent contacts, a mailing or random mailings to the sexual offenders so that they have to report. If the mailer is not returned, if they do not fill out the form and send it back, at that point police will be alerted to be on the lookout for them because they are not at their last known address.

With all of the various facets of the bill, many Members who are concerned, who have lost children to these offenders, to these violators of our most innocent children, every single Member who put a bill in and those who signed on as cosponsors realize the importance of protecting our streets, of protecting our families, of protecting our children from these lowlifes who prey on our most innocent young children.

I certainly support the bill. I want to make sure that the rule is adopted so we can go on, pass this bill, send it over to the Senate; and, hopefully, they, too, will see the need, the absolute imperative need that America has in demanding that this bill pass so that our children will be protected.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume; and, in closing, I would like to begin by saying that there are very few matters in our society that are as clear-cut as this one. Child abduction and abuse is not a new problem. It did not begin yesterday, and it will not end tomorrow. This is a continuing struggle to protect our children; and I truly believe that it will help protect my grandchildren, 7-year-old twins Ali and Hannah Manning, 5-year-old Hank Manning, IV, and 10-month-old Grey Collins.

The recent tragedies that have grabbed the attention and sympathy of the Nation only serve as a grim and poignant reminder that our work is not done and we must continue to do everything that we can to stop the abuse and exploitation of our children.

□ 1115

As I noted in my opening statement, this is commonsense, comprehensive legislation that attacks the problem in many different ways, from expanding the definition of sex offenders, to strengthening law enforcement's tools, to increasing mandatory minimums for child abusers and kidnappers.

Additionally, I believe this legislation protects the constitutional rights of the accused while ensuring that the guilty see justice and the victims are protected.

Again, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the Committee on the Judiciary for putting this bill together. H.R. 3132 is sound, well-crafted legislation. I am confident that this legislation will empower the innocent over the guilty, victims over the predators. With its passage, our country, our children and our grandchildren, will be the winners. For that reason I urge my colleagues to support this rule and the underlying bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF ROSA LOUISE PARKS' REFUSAL TO GIVE UP HER SEAT ON THE BUS AND THE SUBSEQUENT DESEGREGATION OF AMERICAN SOCIETY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 208) recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

The Clerk read as follows:

H. CON. RES. 208

Whereas most historians date the beginning of the modern-day Civil Rights Movement in the United States to December 1, 1955;

Whereas December 1, 1955, is the date of Rosa Louise Parks' refusal to give up her bus seat to a white man and her subsequent arrest;

Whereas Rosa Louise Parks was born on February 4, 1913, as Rosa Louise McCauley to James and Leona McCauley in Tuskegee, Alabama;

Whereas Rosa Louise Parks was educated in Pine Level, Alabama, until the age of 11, when she enrolled in the Montgomery Industrial School for Girls and then went on to attend the Alabama State Teachers College's High School;

Whereas on December 18, 1932, Rosa Louise McCauley married Raymond Parks and the two settled in Montgomery, Alabama;

Whereas, together, Raymond and Rosa Parks worked in the Montgomery, Alabama, branch of the National Association for the Advancement of Colored People (NAACP), where Raymond served as an active member and Rosa served as a secretary and youth leader;

Whereas on December 1, 1955, Rosa Louise Parks was arrested for refusing to give up her seat in the "colored" section of the bus to a white man on the orders of the bus driver because the "white" section was full;

Whereas the arrest of Rosa Louise Parks led African Americans and others to boycott the Montgomery city bus line until the buses in Montgomery were desegregated;

Whereas the 381-day Montgomery bus boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all;

Whereas the fearless acts of civil disobedience displayed by Rosa Louise Parks and others resulted in a legal action challenging Montgomery's segregated public transportation system which subsequently led to the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African Americans of the equal protection of the laws (352 U.S. 903);

Whereas, in the years following the Montgomery bus boycott, Rosa Louise Parks moved to Detroit, Michigan, in 1957, and continued her civil rights work through efforts that included working in the office of Congressman John Conyers, Jr., from 1965 until 1988, and starting the Rosa and Raymond Parks Institute for Self Development, a non-profit 501(c)(3) that motivates youth to reach their highest potential, in 1987;

Whereas Rosa Louise Parks has been commended for her work in the realm of civil rights with such recognitions as the NAACP's Springarn Medal in 1979, the Martin Luther King, Jr., Nonviolent Peace Prize in 1980, the Presidential Medal of Freedom in

1996, and the Congressional Gold Medal in 1999; and

Whereas in 2005, the year marking the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus, we recognize the courage, dignity, and determination displayed by Rosa Louise Parks as she confronted injustice and inequality: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and celebrates the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society;

(2) encourages the people of the United States to recognize and celebrate this anniversary and the subsequent legal victories that sought to eradicate segregation in all of American society; and

(3) endeavors to work with the same courage, dignity, and determination exemplified by civil rights pioneer, Rosa Louise Parks, to address modern-day inequalities and injustice.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 208 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Con. Res. 208, recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

Fifty years ago, one individual, through one courageous act, gave strength to the citizens of Montgomery, Alabama, to stand up to the injustice and indignity that had become commonplace among its citizens. Rosa Parks accomplished this heroic feat through the single act of refusing to give up her seat on the bus to a white man. Her single act of defiance and refusal to accept the status quo led to the 381-day Montgomery bus boycott and eventually to the desegregation of Montgomery, Alabama.

However, Rosa Parks' courageous act meant much more. It inspired a broader movement that struggled and pushed back against a Nation that had failed to keep its promise to all its citizens to promote equality, justice, and fairness under the laws. It paved the way for this Nation to hold unacceptable the injustices and disparate treatment experienced by many of its citizens. Rosa Parks' courage helped restore to all citizens the dignity and respect that every person deserves. Her

single act of courage will forever serve as a constant reminder of the true meaning of equal protection under the laws and the responsibility of each of us to stand up to inequality and injustice.

Rosa Parks is an inspiration to all of us and is a reflection of what it means to be an American. I encourage my colleagues to join me in recognizing Rosa Parks and her important contribution toward helping America realize the freedom and equality envisioned by our Constitution.

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

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

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

Mr. CONYERS. Mr. Speaker, this is a proud moment in our history, and I begin by commending the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for the work he has done in helping me bring this concurrent resolution to the floor today.

Why is this historic? Because the impetus to reconnect with this struggle for racial justice in America began with this humble lady, a seamstress in Alabama, who on December 1, 1955, chose to no longer obey the ordinance that blacks sit in the back of the bus and if it was full, then they give up the bus to white passengers.

It is hard to conceive of the total segregation that this Nation was immersed in. On that day, she refused to obey a bus driver's order; and it began the chain of actions and organizations and commitments that led to a resurgence of the civil rights movement as we know it.

Her arrest sparked a boycott of the Montgomery city bus lines. It went on for over a year as more and more people of all backgrounds and colors and economic classes joined in. Finally this matter reached, in November of 1956, the Supreme Court of the United States. The Supreme Court of the United States affirmed that desegregation codes deny under the 14th amendment the equal protection of laws to African Americans.

This is a great moment because the present is tied to the past. The other body is in the process of determining who the next Chief Justice of that Supreme Court will be.

Hurricane Katrina has made us remember how deeply poverty and race have brought most of the hardship upon people of color in New Orleans and in Mississippi where the havoc is still being counted, 400 deaths now known; but the number is sure to go far, far beyond that.

Now a word about Rosa Parks herself because I happen to be connected with this, meeting her through my work with Dr. Martin Luther King as an attorney and then getting to know her when she left Montgomery and came to Detroit.

She was so modest. They said she got fired from her job a month after the boycott. Here is what she said in the book she wrote: "A month after the boycott began, I lost my \$25-a-week job when the Montgomery Fair department store closed its tailor shop. I was given no indication from the store that my boycott activities were the reason I lost my job. People always wanted to say it was because of my involvement in the boycott. I cannot say this is true. I do not like to form in my mind something I do not have any proof of." That exemplifies this incredible humbleness that marked everything that she did.

I said the first person I am going to bring into my congressional office staff is Rosa Parks, and she accepted. Never once have I ever heard her raise her voice in anger. Never once have I heard her speak negative or unkind remarks about anybody, this persona, this modest woman of incredible determination who, by the way, brought Martin Luther King into Montgomery to help lead the Montgomery bus boycott, which was the start of his career as a civil rights leader. Yet this humble woman, quiet, dignified, always pleasantly composed, was able to bring forward this and other countless acts of civil disobedience which resulted in us changing the way that America operates.

It was Rosa Parks that did all of this; and what I wanted to do was let Members know that she, by bringing Martin King into this matter, was able to begin a civil rights movement much, much larger than the boycott itself.

She then started the Rosa and Raymond Parks Institute for Self-Development, a nonprofit organization that sought to motivate youth. On this recognition of the 50th anniversary of that refusal to give up her seat, I am very proud that the Congress has chosen to join in with us by way of this concurrent resolution and remember this incredible point in American history.

I lift up the name of Ms. Elaine Steele, who has been with Rosa Parks for years and years as her assistant, as her counselor, as her dearest friend, and attorney Gregory J. Reed who has given her the legal background and support that she has needed from time to time.

This is a great day in the history of America that we remember. It is a great day in the Congress that we can remember that Martin King challenged his own country which he loved very much. But when he felt it was wrong, dissent was the highest form of patriotism that he could exemplify what this country stood for. And civil rights pioneer Rosa Parks, by displaying her defiant act of courage 50 years ago, has made this country more of what it ought to be than anyone else that I can think of.

So I join with my colleagues in celebrating the ideals of Ms. Parks and the civil rights movement.

Today we honor Rosa Parks and her decision to stand up to injustice 50 years ago. On

December 1, 1955, Ms. Parks refused to obey a bus driver's order that she give up her bus seat in the black section to a white man because the white section was full.

It is the courage, dignity, and determination that Ms. Parks exemplified on this day that allows most historians to credit her with beginning the modern day civil rights movement. Ms. Parks' actions on December 1, 1955 led to the desegregation of American society and enabled all of this Nation's citizens to realize freedom and equality.

The arrest of Ms. Parks led African-Americans and sympathizers of other races to boycott the Montgomery city bus line until the buses in Montgomery were desegregated. The 381-day Montgomery bus boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all.

The fearless acts of civil disobedience displayed by Rosa Parks and others resulted in the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African-Americans of the equal protection of the laws. This decision would lead to other landmark Supreme Court decisions in which the Court would rule in the interest of justice and equality.

In the years following the Montgomery bus boycott, Ms. Parks moved to Detroit, MI in 1957 and continued her civil rights work by working in my district office. Ms. Parks was with the office from 1965 until 1988. In the more than 20 years that Ms. Parks was in the office, she worked with a tireless spirit for the people of Detroit and other Americans.

In 1987, she started the Rosa and Raymond Parks Institute for Self-Development in Detroit, a nonprofit organization which motivates youth to reach their highest potential. So it is with great pleasure and honor that I stand today to recognize not only a civil rights pioneer, but a member of my staff, a constituent, and a friend.

It is in this recognition of the 50th anniversary of Ms. Parks' refusal to give up her seat on the bus, that I ask the Congress and the great people of this Nation to work with the same courage, dignity, and determination exemplified by her to address modern day inequalities and injustices. As a result of Hurricane Katrina, these inequalities and injustices are at the forefront of public consciousness and it is our job to do something about it.

Ms. Parks has said, "Until everyone can enjoy the same opportunities, people cannot be equal. I am glad that segregation is no longer considered acceptable, but the fight for equal rights must go on until we have the same privileges and opportunities as those who are in power."

Civil rights pioneer Rosa Parks displayed a defiant act of courage 50 years ago to better this country for all of its citizens. I know that this Congress and the people of this Nation can work to further the ideals of Ms. Parks and the civil rights movement.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Resolution 208, recognizing the 50th anniversary of Rosa Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society. Passage of this bill will not only recognize the important anniversary, but also reaffirm the United States' continuing commitment to the legacy of Rosa Parks and the civil rights movement as a whole.

On December 1, 1954, Rosa Parks boarded her normal bus home and sat down in one of the "colored" aisles toward the back of the bus. Soon, the bus began to fill, and Rosa was ordered to vacate her seat to accommodate the white passengers. She simply but stubbornly refused.

This peaceful act of protest sparked a city-wide boycott of the bus system by the African American community. Men, women and children of Montgomery, Alabama refrained from riding the bus and instead either walked, rode their bikes or carpooled to work. In an impressive show of strength and courage, the boycott endured for over a year, and people across the nation joined with those in Montgomery. After 381 days, the City bus line finally relented and desegregated the buses.

Four days after the initial incident on the bus, a young man stood up in front of a large audience, having just been appointed as the head of the boycott: "There comes a time," the man said, "that people get tired. We are here this evening to say to those who have mistreated us for so long, that we are tired, tired of being segregated and humiliated, tired of being kicked about by the brutal feet of oppression." The name of that young man spurred to action by Rosa Parks was Dr. Martin Luther King, Jr.

Rosa was found guilty that very same day of breaking the city's segregation law. It was 50 years ago that Rosa Parks chose to peacefully but willfully stand up—or rather sit down—against the abhorrent laws that segregated this country. Let us honor and celebrate what Rosa Louise Parks helped this country accomplish half a century ago, but also remember that her fight is not over. This anniversary reminds us of the battles against inequality and injustice still being fought here and across the world today.

I support H. Con. Res. 208 for the foregoing reasons, and I urge my colleagues to follow suit.

Mr. HOLT. Mr. Speaker, I rise today as an original cosponsor of H. Con. Res. 208, a resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on a city bus in Montgomery, Alabama. On December 1, 1955, Ms. Parks challenged decades of social injustice and inequality; she opposed a racist authority; she initiated a movement of change. It was on that day 50 years ago, that a woman spoke up for not only herself, but for the freedoms of all people, everywhere when she refused to give up her seat.

Ms. Parks' service to the civil rights movement began long before that fateful December day. Born and raised in Alabama, Rosa Louise McCauley attended the Alabama State Teachers College before marrying Raymond Parks in 1932. Together, they worked for the Montgomery branch chapter of the National Association for the Advancement of Colored People (NAACP). Ms. Parks took on leadership roles in the organization, serving as a secretary and then as an advisor to the NAACP Youth Council. These efforts to improve the lives of those in segregated societies grew into a movement to end segregation outright. That movement found a voice in Rosa Parks.

On December 1, 1955, Ms. Parks boarded a Montgomery city bus through the rear entrance. She sat in the section designated for "colored." She obeyed the ludicrous segregation laws until a white man, wanting a seat, demanded hers. It was then that Ms. Parks decided that her compliance would end.

Ms. Parks was arrested for her civil disobedience. The arrest incited a reaction. Ms. Parks, Martin Luther King Jr., and others channeled that reaction to form one of the most powerful and positive movements in world history. The following day, civil rights advocates organized a boycott of the bus system that lasted for 381 days. On November 13, 1956, the Supreme Court ruled that segregation on the transportation system was unconstitutional and this provided one of the first victories for desegregation. We recognize the many people responsible for the effective boycott and the tremendous support of civil rights leadership. But, today, we celebrate the woman who imbued the movement with such dedication, dignity, and courage.

Rosa Parks' commitment to civil rights continued with her work in the office of my colleagues, Representative JOHN CONYERS, Jr., from 1965–1988. In 1987, she established the Rosa and Raymond Parks Institute for Self Development to motivate youths. She has been honored for her contributions to society with the NAACP's Springarn Medal in 1979, the Martin Luther King, Jr., Nonviolent Peace Prize in 1980, the Presidential Medal of Freedom in 1996, and the Congressional Gold Medal in 1999.

Let us honor the 50th anniversary of Ms. Parks' refusal to give up her seat. Let us celebrate the lifetime achievements of a truly incredible woman. I urge my colleagues to join me in supporting H. Con. Res. 208.

Ms. LEE. Mr. Speaker, I rise today in strong support of the resolution commemorating Rosa Parks on the 50th Anniversary of her refusal to give up her seat on a Montgomery, Alabama bus and comply with an unjust law.

I also want to thank my colleague from Michigan, Mr. CONYERS, for offering this important amendment and for his courage, leadership, and vision as the ranking member on the House Judiciary Committee and the Dean of the Congressional Black Caucus.

Without question, Rosa Parks, was a pivotal force in the struggle for civil rights in America.

Ms. Parks' courageous action touched millions of lives, serving as a catalyst for the legendary bus boycott in Alabama and acting as a critical turning point in the African-American civil rights movement.

With the support of Dr. Martin Luther King Jr. and other civil rights activists, Rosa Parks demonstrated the power of individuals and communities to tear down injustice and bring about social change.

Her spark ignited a fire that helped to reverse segregation, raise public consciousness, and challenge our democracy to guarantee and secure liberty and justice for all.

Rosa Parks is a true shero. But as we commemorate Rosa and her actions today, let us not forget that we still have much more work to do.

It is our job as representatives of the people to pick up the banner carried by Rosa Parks, Martin Luther King, Medger Evers, and others and ensure that our children and our children's children can live in a world free of ignorance, prejudice, discrimination and racism.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr.

SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 208.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

KATRINA VOLUNTEER PROTECTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3736) to protect volunteers assisting the victims of Hurricane Katrina.

The Clerk read as follows:

H.R. 3736

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 "Katrina Volunteer Protection Act of 2005".

SEC. 2. PROTECTION OF VOLUNTEERS.

(a) QUALIFIED IMMUNITY FROM SUIT.—Any person or entity (including any Indian Tribe) that, in response to harm caused by Hurricane Katrina of 2005, voluntarily, in good faith, and without a preexisting duty or expectation of compensation, renders aid (including medical treatment and rescue assistance) to any individual, shall not be liable for any injury (including personal injury, property damage or loss, and death) arising out of or resulting from that aid that was not caused by—

(1) willful, wanton, reckless or criminal conduct of that person or entity; or

(2) conduct of that person or entity that constitutes a violation of a Federal or State civil rights law.

(b) PREEMPTION.—This Act preempts the laws of a State to the extent such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3736 currently under consideration.

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

There was no objection.

□ 1130

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

Mr. Speaker, thousands of America's volunteers have already answered the call to help those suffering in the wake of Hurricane Katrina. But, unfortunately, many are hindered in their efforts or held back from joining the relief effort in the first place by the threat of legal liability.

In too many parts of the country, including Louisiana and the other areas affected by Hurricane Katrina, it is not only unclear what defines the legal protections for Good Samaritans, but it is also unclear which of those legal protections would govern where citizens of multiple States converge on another State to give aid and comfort to their fellow citizens in need.

At the Federal level, the Volunteer Protection Act does not provide any protection to volunteers who are not working under the auspices of an official nonprofit organization, namely, a 501(c)(3) organization; and it provides no protection at all to the nonprofit organizations themselves.

Consequently, under Federal law there are absolutely no legal protections for the average person who wants to volunteer on their own, and there are also absolutely no legal protections for America's wonderful nonprofit organizations themselves, such as the Red Cross; but only an extremely small percentage of the some 1.4 million nonprofit organizations in the United States actually purchase liability insurance due to excessive costs.

The bill before us today closes the gaps in existing law for those individuals and organizations wanting to give of themselves to aid those suffering the worst effects of one of the most tragic weather disasters in American history. This bill makes crystal clear that everyone who helps those who have suffered harm in the wake of Hurricane Katrina will be covered by some basic legal protections.

If a volunteer's own State law provides greater protections for them, all the better; and this legislation would allow those stronger protections to govern in their situation. But this bill provides a uniform Federal floor on which all volunteers can confidently stand when helping those in need in the wake of Hurricane Katrina.

Such a uniform Federal law is clearly needed. As the Los Angeles Times recently reported, "the lack of liability protection is one of several concerns delaying some 900 churches from joining the evacuation network." According to recent press accounts, the Red Cross feels constrained in giving out the names of refugees to those who want to offer their homes to them for shelter because they have concern about liability. The Red Cross has cited liability issues as a reason for people not to volunteer to take refugees into their homes and complain generally that "there is so much liability involved."

The Minnesota Department of Public Safety spokesman has said of volunteer efforts, if things go south, there are liability problems. In Grandville, Michigan, a local school district wants to let evacuees use a vacant school for shelter, but the school's superintendent is concerned about liability issues. The Cleveland Plain Dealer reports that a specially trained group of 50 international physicians and psychologists

who have extensive experience treating children in Third World countries could face liability issues here if they venture into States where they are not licensed.

Anytime lawsuits or threats of lawsuits limit private persons and entities, State and local governments from acting to help those in need, the response costs of the Federal Government only increase.

H.R. 3736 simply ensures that if one is a volunteer who acts in good faith to assist the victims of Hurricane Katrina without compensation, then they do not have to worry about lawsuits unless they either act in a willful, wanton, reckless, or criminal matter or violate a Federal or State civil rights law. All volunteers under this bill will have to worry about is saving those in need, and they will not have to worry about hiring an attorney to defend themselves from a frivolous lawsuit.

The bill does not apply to those with preexisting duties to aid. That is, it does not apply to those with the statutory duty to aid the victims or those with prior contractual obligations to do so. The bill does apply to all volunteers who in good faith and without expectation of compensation render aid, medical treatment, or rescue assistance to any person in response to harm caused by Hurricane Katrina.

The Congress voted overwhelmingly to give far greater legal protections to selected entities following the 9/11 terrorist attacks. At the very least, this Congress should pass some legal protection for volunteers working in the wake of Hurricane Katrina.

While we all keep the victims of Katrina in our prayers, let us keep all the individual volunteers and organizations that support them in our hearts and free them to act on their compassion without the distracting fear of unnecessary lawsuits.

This bill should be passed. I urge the Members to vote in favor of it.

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

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

It is with reluctance that I rise in opposition to this legislation. I cannot support it, and I am reluctant about that because it has been my intention to work with everyone on the committee to eliminate the problems of this bill, the excesses and flaws that are in it now; and my suggestions have not been received, and the bill has been put together in an extremely hasty manner that I believe will insulate negligent and dangerous behavior that we would otherwise have no inclination to do.

I begin by pointing out that we already have a Volunteer Protection Act in the law, passed in the year 1997, which protects volunteers. This bill had hearings. It was carefully crafted and bipartisan in nature. It protects volunteers from their good deeds, but not from their misconduct.

This bill, unfortunately, goes much further. And the problems that I have

referred to and will continue to refer to are the result of the fact that this bill has never had a hearing: in no subcommittee, not in the full Committee on the Judiciary. There have never been witnesses to testify for or against it. There has never been a markup. Nothing. We come today with a measure that has been pulled out of the air. We have not heard from a single interested party as to why the bill is necessary. We have not received so much as a shred of evidence that there is any shortage of volunteers to assist in Hurricane Katrina as a result of our civil justice system.

So I point out to the Members that in the first instance the bill is not limited to protection of volunteers. It would protect many organizations, public and private, that might be involved in Hurricane Katrina, which could be government organizations. It could even protect the Federal Emergency Management Agency. It could protect cities and counties and States. It could protect business entities.

This bill is off the charts. And in the past, when we were more carefully considering the matter, we decided not to cover these entities because we did not want to protect firms that retain people who were criminals. We did not want to give comfort to drug addicts who may be working there or even sex offenders from liability that they might be involved with. This bill creates a green light for all kinds of behavior, that it will now receive a protection. For the life of me, I cannot suggest one reason why we ought to pass this measure. I am not aware of any business or even a nonprofit entity that has asked this committee for relief from liability in order to help out in Katrina.

Nobody knows about it. This is a phantom measure that has come out of nowhere, and if it is just to pass the time of day and keep us busy, it is probably doing a great harm to our civil justice system.

The bill goes beyond the Volunteer Protection Act to, if the Members can grasp this, immunize gross negligence and intentional conduct. We would immunize negligent and purposeful misconduct. Never in the history of Congress have we ever considered immunizing such actions. Why should we do it today? There is no reason to protect such blatant wrongdoing from such important responsibility.

The drafting that I have talked about is so broad, it would protect unlicensed volunteers who are attempting to operate as professionals. This would include individuals who provide medical treatment without training if something like that were to come along. It could protect people flying airplanes without licenses. Under this measure, an individual could travel to Louisiana without a license to conduct surgery and claim in a civil action that he has a liability waiver coming from this bill.

This measure would even go further. It would insulate simple traffic accidents from liability. A person working

around the Katrina disaster could negligently have an accident and injure a child on the way to New Orleans, and the family would be left with no recourse whatsoever. I can imagine that this bill will be brought up in civil cases in ways that we have never had an opportunity to contemplate.

So I make a simple proposition. Why do we not just move this bill off the floor, set up the subcommittee of the Committee on the Judiciary that is anxiously waiting to schedule witnesses for the bill, and have them do their work and bring it to the full committee where it may receive even further amendments and inquiry?

It makes no sense to exempt irresponsible people from their own negligence. It would even insulate nursing homes, hello, from civil liability who use volunteers and their failure to evacuate resulted in death. One could lose their loved one as a result of negligence by a nursing home; and if they raise these protections that are involved in this legislation, the person bringing the action could be left without compensation.

We are setting up, whether we admit it or not, a two-tier system of civil justice. One for the people that were able and could afford to escape Katrina who will have their full right in the civil justice system, just as all people always have, but a lesser system for indigent individuals, many of whom, if not most, are, in fact, minorities, who may have, and I hope this is very few, but some who may have suffered abuse as a result of additional negligence and misconduct.

□ 1145

So what we have here is a horrible attempt to insulate volunteer liability, but it has been put together in such a way that we have a piece of legislation that I do not think can withstand the reasonable scrutiny of the Members of this body. If we adopt this unthinking bill without bothering to figure out what we are doing and who we are further exposing to harm, we may, in all likelihood, be compounding the tragedy that exists to which we are trying to bring some closure to.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I rise and applaud the gentleman from Wisconsin (Chairman SENSENBRENNER) for this reasonable approach to volunteers who are trying to help people.

This is an amazing debate that is taking place today because, last week, we were concerned about people dying, getting help to them, providing all the assets we could provide to save lives.

Now, think about the people in the construction industry who want to do good. The people after 9/11, some of them were sued because they volunteered to go help prior to contracts

being let. There were no government contracts being let. They wanted to volunteer. They might have provided an excavator, a grader, a backhoe, a dump truck.

Let us say someone in New Orleans happened to own a boat, and he wanted to go help people. He went to pull somebody into his boat to save them, and they slipped, broke an arm, a total accident. Some trial lawyer says, hey, we can make you rich. Let us sue the guy who brought the boat.

Somebody is out there trying to help people. There is a dirt road that needs grading, and the guy volunteers to go out there with his blade, regrade the road, somebody walks across it afterwards, slips, and some trial lawyer says, hey, we can make you a fortune. You just slipped on something somebody did, and we will hold the contractor liable because they volunteered to do good.

We have construction expertise in this country that is sorely needed during times of disaster. We cannot continue to allow a message to be sent to those volunteers.

I became a general contractor in my early 20s. I have been in the business for over 35 years. There are many good people out there who work very hard, earn a good living, and they want to give a little back to their country and to the people who they have benefited from through volunteering in a time of disaster when they know they can do good, they can make things better, and they can save lives. The argument I heard today was quite the opposite.

Last week, we had a hearing in Financial Services talking about all the people who are living in football stadiums and warehouses. We have to get those people out of there, get them to some home to live in, some safe environment.

Now, a person goes out there who owns a motor home, decides to haul a bunch of people from a stadium, somebody trips getting in their motor home and gets sued. Is that reasonable or fair? No.

If there is negligence on the part of the individual who volunteered, hold them accountable. But the gentleman from Wisconsin (Chairman SENSENBRENNER) is not for holding anybody unaccountable for gross negligence or violating the law. But if you volunteer to help in a case like this where people are dying, all of a sudden trial lawyers are more important than the people we are trying to save during a disaster.

Mr. CONYERS. Mr. Speaker, I just want to make a response to my friend, the previous speaker, to let him know that the examples that he made are quite logical and quite rational. We think that they should be given protection. But we do not want what is in this bill that goes way beyond that kind of protection, because we would give protection for gross negligence, and it is in that respect that I am opposed to the bill.

Mr. Speaker, I am pleased to yield 6½ minutes to the distinguished gentleman 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, I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, let me, first of all, suggest that we owe a debt of gratitude to all of the volunteers across the country that have come in to places like Alabama, Mississippi, Louisiana, and my own State of Texas. So this is not an expression of concern with disregard for the charity that has been shown by the throngs of volunteers. And, might I suggest, like the gentleman from Michigan (Mr. CONYERS), that volunteers have come from everywhere without the question of whether or not they are immune or protected.

I refer my colleagues to the Volunteer Protection Act of 1997 which really crafts, I think, the latitude and the range of protection that makes sense. It provides immunity for volunteers serving nonprofit organizations and government entities, which include the likes of FEMA and the Red Cross and also the folks that come under that umbrella and the many nonprofits that exist.

The idea that this legislation might, in fact, protect those who are grossly negligent seems flawed in several aspects. Even though the Attorney General of the State of Louisiana has now moved against this tragic circumstance with the loss of lives of a number of individuals in a particular nursing home, we do realize that this is now at a level of criminal charges, but suppose it was not. Certainly the American people and Louisianans and others would want that particular entity to be held liable for gross negligence, if you will, and they happen not to be, I assume, a nonprofit, so that they might be covered by this legislation for their gross negligence.

What about the hospital? The facts will come out. Obviously, one cannot suggest guilt where one does not know all of the facts, but the facts will come out. But now it has been discovered, a number of bodies in a hospital in Louisiana, and that, too, may warrant consideration that this bill does not address.

I would hope that in the rush to deal with the plaintiffs' bar, trial lawyers who have, in many instances, found justice where others could not on environmental issues, on medical malpractice issues, on issues dealing with occupational disasters that have caused injury to workers, that we would not be focused on that "perceived problem" versus the needs of people who are being served.

We want the volunteers to be there. We want them to be protected, and we believe that we do have the protection.

As I speak about this bill, might I also bring attention to a bill that I missed, Mr. Speaker, and I simply want

to add my support to the 50th recognition of the Rosa Parks legislation that acknowledges her quest for justice by sitting down. I weave this into this debate because I think that it is relevant when we begin to talk about how Congress fixes problems. Rosa Parks certainly spread across the land a new idea of justice and the refusal, if you will, to be subjected to unfair and unjust laws. I pay tribute to the gentleman from Michigan (Mr. CONYERS) and all of those who have spoken in support of what she did to change America, and I add my voice to the commemoration that was on the floor just previously.

As I infuse back into the Katrina Volunteer Protection Act and mention the volunteers, one has to accept the time that they have to speak to important issues at hand.

Mr. Speaker, I say to the gentleman from Michigan (Mr. CONYERS), I offer today an important issue that speaks to the question of justice and, I assume as well, the thoughts of this body, and that is the unfair position that Frances Newton finds herself in, an African American woman, but a woman that is now on death row today, September 14, in Texas whose execution date is 6 p.m. central standard time.

This Congress may have some cause, but this is now in the hands of the administration, the Solicitor General, the Supreme Court, and the governor of the State of Texas. If we do not act today, a woman who did not have effective counsel, whose counsel did not question one witness, whose counsel did not present one iota of evidence, who now has found that there were multiple weapons, who has a flawed DNA background in terms of this case and, likewise, who has protested and petitioned over and over again that she did not kill her children, will now go to her death.

Whether or not this Congress has the power to instruct the Supreme Court of the United States, as we now hear the proceedings of Judge Roberts, we know that this body should be a body concerned about justice. I would wholly hope that those who can hear my voice will petition by way of their own way, their representatives, to ask the Solicitor General to petition on the side of the Innocence Project to allow the case to be reheard, a new trial to secure this evidence, to secure the ability to give Frances Newton a new trial of which she deserves.

We cannot stand on the floor of the House today and talk about protecting volunteers, albeit I have the concerns as enunciated, and not suggest that we cannot protect the justice system. Frances Newton has protested and petitioned her innocence. She is a mother who says that she did not kill her children. The governor of the State of Texas has the power to give her a 30-day extension, and I would hope that our voices will be heard.

I want to thank the gentleman from Virginia (Mr. SCOTT) and the gen-

tleman from Michigan (Mr. CONYERS) for their willingness to sign on to a letter asking for that petition to be heard, and I would ask other Members of Congress to do likewise.

Mr. Speaker, I have expressed my views on the Katrina Volunteer Protection Act and I hope, as the gentleman from Michigan (Mr. CONYERS) said, that we could work on this together.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, one of the great success stories in this tragedy is the fact that thousands of volunteers from across the country responded to the needs of the victims. Physicians and nurses and other medical volunteers, health care professionals, volunteered their specialized skills to come to the aid of the victims of Katrina. Their efforts have ensured that these victims receive much-needed care and assistance, but many more have been hesitant to take part because they were threatened by the specter of lawsuits.

I know this to be a fact. I was on the ground there in Louisiana. I helped to organize much of the medical relief effort, and this is a fact, that many were hesitant to come to the aid.

Rules protecting good Samaritans vary greatly between States, and it is often unclear what legal protections volunteers have when performing charitable acts, and this was particularly so with such a tragedy of this magnitude.

H.R. 3736 will clarify the rules for everyone involved and ensure that uniform standards are applied to relief efforts from Louisiana to Mississippi to Alabama. This bill will protect volunteers acting in good faith to assist Katrina victims, while still protecting the rights of victims who allege injuries as a result of willful, wanton, reckless, or criminal conduct on the part of a volunteer. Questions of liability should not and should never prevent individuals and organizations from offering their services in such a tragedy.

So, Mr. Speaker, I urge passage of the Katrina Volunteer Protection Act. This is important legislation, and I urge its rapid and steady approval.

Mr. CONYERS. Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), our subcommittee ranking member.

Mr. SCOTT of Virginia. Mr. Speaker, this did not go through committee, so I just had a question for the chairman of the committee, if the chairman would respond.

My question is what impact this will have on someone minding their own business, sitting at a stoplight, that gets rear-ended by someone headed to New Orleans in an automobile accident, simple negligence, with insurance. Does the innocent party now have to pay their own medical bills, or

is there some provision in the bill that allows the insurance to still be available to pay the medical bills?

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

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the bill says that if the driver of the car is operating as a volunteer without compensation and acting in good faith, the provisions of the bill apply.

Mr. SCOTT of Virginia. Mr. Speaker, reclaiming my time, in this case, if the volunteer is hit and has an automobile accident, fully insured, you lose the insurance, the innocent victim is now subject to pay his own medical bills. Where, ordinarily, there would be compensation for the automobile accident, that is lost. These are people who could be in States not even affected, just sitting at a stoplight.

Usually, when we have these immunity bills, we provide that the insurance in an automobile accident, the insurance would apply. This would exempt the insurance. I think it is one of the problems of bringing bills like this to the floor without going through committee. I think we could have fixed that.

□ 1200

Mr. CONYERS. Mr. Speaker, I think the gentleman from Virginia's example tells us the whole thing. This is over the edge. It is not that we do not want to give protection, but this goes way, way too far.

Now, I remind my colleagues that the problem that we have here is that there have never been any hearings. There have never been any markups. There have never been any witnesses. There has never been a full committee hearing. Nobody has ever seen this measure before today when it is now on the floor.

It sounds great, volunteer liability legislation. But that is what we did with the Volunteer Protection Act in 1997. That was carefully crafted, bipartisan in nature, and covers all of this activity.

We go way beyond volunteer protection to immunize what could be misconduct of a deliberate and blatant nature, that can immunize negligence of the grossest sort, and never in the history have we ever imagined, thought of immunizing such actions. So there is no reason to protect such blatant wrongdoing from responsibility.

And it is a fatal flaw of this legislation. I urge that it be sent back to the Judiciary Committee for appropriate action.

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

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

Mr. Speaker, after listening to the gentleman from Michigan, I am a little bit confused. Because last week, the Congress appropriated almost \$52 billion without a hearing. Right before Labor Day, the Congress appropriated \$10 billion without a hearing.

Today, I had scheduled three Katrina-related bills for markup in the Judiciary Committee. They were not ready by our 24-hour deadline, and the gentleman from Michigan objected to that, so I called off that markup, and we are going to have to do that next week. Otherwise we would have it on the floor much more promptly.

The fact of the matter remains that these people need to have the immunity for liability in order that they can volunteer and effectively deliver their volunteer services. The gentleman from Michigan (Mr. CONYERS) and the other opponents of this bill have come up with a litany of horrors that this bill would allow criminal conduct to be immunized, and that is not the case.

This bill specifically does not apply in any way to protect those whose willful, wanton, reckless or criminal conduct causes injury; nor does it apply to those who violate the Federal or State civil rights laws when injury occurs.

Now, today we have a chance to cast a vote in favor of our volunteers, our volunteer individuals and those nonprofit organizations who have stepped up to the plate to provide essential relief services to the people who have been affected by Hurricane Katrina; or we can send it back to committee and have more hearings.

Well, by the time those hearings are over with, I am sure the first series of frivolous lawsuits will be filed; and believe me, the next time there is a disaster, hopefully not of the magnitude of Hurricane Katrina, there will be a lot of organizations and a lot of individuals who will be afraid to volunteer to do what they want to do and do what they can do best, because they do not want to spend the rest of their lives in court.

Pass this bill.

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 3736, Katrina Volunteer Protection Act. This legislation will provide much needed legal protection for those charitable Americans volunteering in the Hurricane Katrina rescue and recovery effort.

It is imperative that when thousands of selfless volunteers respond to those who have incurred the wrath of a natural disaster that legal liability need not be hanging over their heads.

Currently, there is vast uncertainty from state to state about what defines legal protections for volunteers, especially when volunteers from one state travel to another to help out their fellow citizens.

Under current law volunteers who are not working with an official nonprofit organization are not covered by the Volunteer Protection Act. Therefore, there are absolutely no legal protections for the average American who wishes to volunteer.

This legislation will correct that gap in the law while at the same time continue upholding the penalties against those who act in a willful, reckless or criminal manner or who violate a State or Federal civil rights law.

Further if a volunteer's home State has a law on its books that provide greater liability protection, then this legislation would defer to those stronger protections.

This legislation will clear the way for all those Good Samaritans, who live in our great Nation, not to have to worry about lawsuits when they volunteer.

Mr. Speaker, I am proud to support this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3736.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3132.

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

There was no objection.

CHILDREN'S SAFETY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 436 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. 3132.

□ 1206

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. 3132) to make improvements to the national sex offender registration program, and for other purposes, with Mr. SIMPSON 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 Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

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

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

I am pleased to bring to the House floor today H.R. 3132, the Children's Safety Act of 2005.

I introduced this legislation on June 30 in a bipartisan effort to address the growing epidemic of violence against children and the need for greater protection from convicted sex offenders through State registration and notification programs.

This year our country has been shocked by a series of brutal attacks

against children at the hands of convicted sex offenders. In June, our Nation was horrified by the kidnapping and murders of members of the Groene family by a convicted sex offender.

Two well-publicized tragedies earlier this year in Florida, in which 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde were murdered by convicted sex offenders further underscore the need for quick congressional action to address the danger posed by individuals who prey on children.

In addition to the widely reported tragedies that have rightly brought this issue to the forefront, the statistics regarding the frequency with which such heinous crimes occur are staggering. Statistics show that one in five girls and one in 10 boys are sexually exploited before they reach adulthood. Yet less than 35 percent of the incidents are reported to authorities.

According to the Department of Justice, one in five children between the ages of 10 and 17 receive unwanted sexual solicitations online. Additionally, statistics show that 67 percent of all victims of sexual assault were juveniles under the age of 18, and 34 percent were under the age of 12.

In June of this year, the Subcommittee on Crime, Terrorism and Homeland Security held a series of three hearings on child crimes issues, focusing on violent crimes against children, sexual exploitation of children, and the Sex Offender Registration and Notification program and related legislative proposals.

On July 30, the Judiciary Committee considered this bill and ordered it favorably reported by an overwhelming vote of 22 to 4.

Mr. Chairman, there are over 550,000 sex offenders in the country; and it is conservatively estimated that at least 100,000 of them are lost in the system, meaning that nonregistered sex offenders are living in our communities and working at locations where they can, and likely will, come into contact with our children.

This is simply unacceptable, and the legislation specifically targets this problem to enhance the safety of America's families and communities. The Children's Safety Act will make much needed reforms to the Sex Offender and Registration program by expanding the scope and duration of sex offender registration and notification requirements to a larger number of sex offenders.

The legislation also requires States to provide Internet availability of sex offender information, requires timely registration by sex offenders, and then enhances penalties for their failure to register and increases the disclosure requirements regarding their whereabouts.

The bill authorizes United States marshals to apprehend sex offenders who fail to register and increases grants to States to apprehend sex offenders who are in violation of registration requirements contained in the legislation.

Additionally, H.R. 3132 would authorize demonstration programs for new electronic monitoring programs such as anklets and global position system monitoring, which will require examination of multijurisdictional monitoring procedures.

H.R. 3132 also revises the use of DNA evidence; increases penalties for violent crimes committed against children, and sexual exploitation of children; streamlines habeas review; State death penalties are imposed against child killers; and protects foster children by requiring States to perform more complete background checks before approving a foster or adoptive parent program and placement.

This legislation is strongly supported by America's Most Wanted, John Walsh; Ernie Allen from the National Center for Missing and Exploited Children; Robbie Calloway from the Boys and Girls Clubs of America; and many victims and representatives of victims organizations.

The courage of some, such as the father of Jessica Lunsford, to speak out on this important issue in the face of unmistakable grief is truly admirable. They have provided critical input throughout the process and have urged Congress to enact this legislation as quickly as possible.

Mr. Chairman, the time to protect our Nation's children from sexual predators in our communities and online on the Internet is now.

The scope of this problem requires a swift congressional response, and I urge Members of this body to move swiftly to help protect America's children from violent sexual offenders.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, we all abhor the horrific cases of child murders or sex offenses committed by those who are referenced in the bill. But the question before us is whether what we are doing in the bill will actually reduce the incidence of child molestation or actually increase it.

We should certainly seek to avoid enacting legislation that expends scarce resources in a manner that is not cost effective or that exacerbates the problem. It is clear that having police supervision and police awareness of the location and identification information about sex offenders is appropriate and helpful.

But it is not clear that putting that information indiscriminately on the Internet, regardless of the dangerousness of the individual, with no guidance or restriction of what people should do with the information, it is unclear whether that is helpful or harmful.

There have been incidents of vigilantes and other activities where offenders have actually been driven underground, so you actually do not know where they are. That is certainly not good for children. And try to sell

your home when a sex offender moves a few blocks away. Are children actually helped by that? That would be a necessary problem; but there is no evidence that putting that information on the Internet actually reduces the incidence of child molestation, so the real estate prices all over the neighborhood go down.

Now, research shows that 90 percent of sex offenses against children involve either family members or someone well known to the victim. So when you put names and addresses on the Internet, 90 percent of the offenses are not even covered. We also have the situation where those on the Internet are ostracized and subjected to public notoriety, embarrassment, ridicule, and harassment.

In one actual case, a teacher was reading the names of offenders to grade school students in an apparent effort to protect them, when one student blurted out the question to another student: "Is that not your father?"

This victimizes the victim twice and may well discourage offense reporting that is already considered very low in these situations. Many offenders identified on the Internet will not only become unemployed and unemployable because of that notoriety, but they may also have to leave their home to avoid embarrassment or other consequences to themselves and their families, and having done that, may just go underground and not bother to register again.

Where an offender clearly represents a threat to the public, perhaps the consequences to the victims and their family members cannot be avoided; but where the individual clearly does not present a threat to the public, informing the general public may do more harm than good.

Law enforcement and child-serving authorities should have access to the information. Until they have reliable information to show that the impact of the Internet will actually reduce the incidence of child molestation, we should be circumspect on how we use this information.

Now, we have taken a step in the right direction in the bill by encouraging those States and localities that are not already doing so to consider whether there are offenders who should be required to register, but may not have to be put on the Internet.

□ 1215

I am pleased, Mr. Chairman, that the gentleman from Wisconsin (Mr. SENBRENNER) has indicated his willingness as the bill moves towards conference to continue to look for ways we might support the States and localities who are already making such assessments while encouraging those who are not making those assessments to do so.

There are effective things we can do, and hopefully we will have amendments that will deal with this. Because research has shown that intensive, therapeutic sexual offender treatment

cuts sexual offense recidivism in half. Fortunately, the evidence is that, even without the treatment, recidivism is low amongst sexual offenders of children. This is not what the legend is, but the facts are that a recent study by the Department of Justice showed that the rearrest rate among child molesters is 3.3 percent, much less than the recidivism rate of other criminals.

Any recidivism rate is too high, so I am pleased that we are working together to fashion a provision that will assure that all sex offenders in the Federal system will receive appropriate, effective treatment prior to their release; and I hope that we can continue to work together to provide a similar system for State offenders where we could significantly reduce child victimization by assuring access to effective treatment for all.

Now there are provisions in this legislation that are not based on research or sound reasoning like the death penalty, mandatory minimums, both of which have been studied and shown not to have any effect on crime. We also have the anomaly in this because it is Federal legislation that because Indian reservations, their sole access to courts is the Federal system, they will all be under the Federal system but most others will not. So it will have a disproportionate effect against Native Americans.

Now, day by day we are seeing more and more evidence that the death penalty administration is fraught with mistake, racial discrimination and it is applied in an arbitrary way. We have also seen the mandatory minimums have been shown to waste the taxpayers' money, been racially discriminatory, and the Judicial Conference reminds us every time we have a mandatory minimum for consideration that mandatory minimums violate common sense compared to traditional sentencing approaches.

This bill includes a 5-year mandatory minimum for any technical violation involved in registration. For example, if you are already registered and you attend the local community college but forgot to recognize that the community college is in a different jurisdiction and you should have registered there, too, well, that offense is subject to a 5-year mandatory minimum. Notwithstanding the fact that the original offense was 15 years ago, was a misdemeanor for which no time was imposed, it is a 5-year mandatory minimum for the technical violation of not registering correctly.

Another provision that is in the bill that will not have much effect on reducing child molestation is eliminating the access to habeas corpus. That will not reduce sex crimes. All of these are good, politically appealing sound bites that will help politicians get elected but which have no evidence that they will actually reduce the incidence of child molestation.

This bill will cost over \$500 million over the next few years. We need to

make sure that when we spend that kind of money that we actually do something constructive. Here we have a bill with mandatory minimums, death penalties that have been shown that have nothing to do with reducing crime, it is primarily focused on Native Americans, and I would hope that we would support amendments to eliminate such extraneous matters on the bill so we can concentrate the \$500 million on effective crime-reducing approaches.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me time. More importantly, I thank the gentleman for his great leadership on the subject of child safety.

Mr. Chairman, when I came to this House I hoped that I would have the chance to make a difference in the area of crimes against kids, and thanks to the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER) I have had this opportunity. In fact, we have all had this opportunity.

We have made great strides in recent years: the Amber Alert System; two strikes and you are out for child molesters; the Debbie Smith Act which we passed last session which will make sure that our DNA databases are up to date and more usable and we will have better training and education for those health care professionals and law enforcement professionals who work in this field.

But, sadly, we have been reminded in recent months that despite all the work that we have done we have a long way to go. Dru Sjodin, Jessica Lunsford, Sara Hunde and, sadly, other names have reminded us painfully, tragically that there is a lot of work to do.

The Children's Safety Act is, in my view, a great stride towards doing what we can and what we must to protect our kids from those who would prey upon them.

First off, it has tough penalties. It does have tough penalties. It does have mandatory minimums, because I believe and so many people believe that we have to send a clear, unmistakable signal that those who prey upon our kids will not be tolerated.

Secondly, we increased the size of the DNA database, which means that we give to law enforcement professionals the tools they need to track down these monitors and to put them away, to put them behind bars.

And, third, and I believe most importantly, we expand the use of the sex offender registry and increased notification requirements. We take that registry system nationwide, we make it accessible online, and we close up some of the loopholes that, sadly, have led to some of the crimes that we have all heard about.

I would like to speak briefly about one of those loopholes that people in

my home State of Wisconsin have learned about tragically. The situation, the case, the story of Amie Zyla which has led to the Amie Zyla provisions in this bill.

The case of Miss Zyla, she was a young girl in the county of Waukesha, Wisconsin, when she was assaulted brutally by a young offender. He was found guilty. He was sentenced to a juvenile facility. But when he turned 18 he was released; and when he was released, because he had committed that act as a juvenile, the record was sealed. Law enforcement was not allowed to notify the community that they were having released back into the midst of this community a sex offender, a dangerous sex offender. The assailant went on to hold himself out as a youth minister; and, as you can guess, he preyed upon a number of children, destroyed lives, damaging families and causing so much terror.

In fact, Amie Zyla was not notified of the release of this man until she saw him on TV, actually saw him on the news, and there was his face and she realized for the first time that the man who had done so much damage to her was back out on the street right where she was.

Under this bill, we say that if the crime committed by the juvenile offender was so serious that it would have qualified for reporting under the sex offender registry if he were an adult, then that means that law enforcement has the ability, not the obligation but the ability, to notify the community when that sex offender is released back into the community.

That is about giving tools to our parents, to our families, to our community leaders, to those organizations that are so important to us, giving them the tools to prevent these acts from occurring again; and nothing is more important.

Now, Mr. Chairman, a lot of numbers have already been tossed around and will be tossed around in the coming debate. You have heard one out of five girls has been sexually exploited before reaching adulthood. We have heard that 67 percent of all victims of sexual assault are juveniles. But I want to suggest to you that this is not about the numbers and that people will toss around the numbers, but we cannot tell if those numbers are accurate because we know that these crimes are the most underreported crimes in society.

My guess is and most experts will tell you that the damage that is done, the number of crimes is far in excess of any of the studies that are out there. More importantly, numbers do not tell the true story. Each child who is attacked and assaulted by one of these offenders represents a life damaged, an innocence stolen, and, all too often, sadly, tragically, a family destroyed.

Mr. Chairman, we need to pass this legislation. We need to give tools to community leaders and to parents to make sure those acts never occur again. There is so much we have ac-

complished in the last few years. There is so much left to do. We do that with the Child Safety Act.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I come reluctantly before you to re-express my desire to protect all our children from predators, and I am confident that I speak for all Members when we say that each new abduction brings a concern, an outrage that we all feel.

Child molesters prey on those that are most vulnerable in our society, and we must stop them. But how can we stop them if we are primarily creating 36 new mandatory minimum criminal penalties that are completely arbitrary, that have been shown to be ineffective at reducing crime, and a consummate waste of taxpayer money? But that is not the only reason.

Thanks to mandatory minimum sentences, almost 10 percent of all inmates in the Federal and State prisons are serving life sentences, an 83 percent increase since 1992. In two States, New York and California, 20 percent of the people in prison are serving life sentences. And what do we have to show for these statistics? Well, a system that currently houses more than 2 million Americans, almost four times the number of individuals incarcerated in 1985, at a cost of \$40 billion to run and operate.

We create additional new death penalty eligibility offenses. This spring, 120 death row inmates were exonerated due to proof of their innocence. So, in the end, if we are truly serious about protecting our children from acts of sexual exploitation and violence, we have got to turn to prevention. We have got to use preventative solutions that really try to get to the root of the problem instead of after-the-fact criminal penalties that do not address the issue.

Do these sick people check the statutes to find out what the newest penalties are or whether they are mandatory or not or whether they can carry additional incarceration terms? I doubt it.

Finally, we have people that have written, professionals, scientific researchers treatment professionals, child advocates, who have serious reservations about this measure, H.R. 3132.

From the Center on Child Abuse and Neglect, the Editor-in-Chief on Child Maltreatment, the Journal of American Professional Society of the Abuse of Children, the Director of Crimes Against Children Research Center, the National Crime Victims Research and Treatment Center, Dr. Friedrich of the Mayo Clinic and Mayo Medical School, from the Board of Directors Association of the Treatment of Sexual Abusers, all these letters have poured in urging that we put more prevention into this measure rather than less.

Please let us turn this measure back.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

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

Mr. Chairman, I am a co-sponsor of the Children's Safety Act because we must crack down against child molesters by making sure they serve longer sentences and by requiring sex offenders who fail to comply with registration requirements to go back to jail where they belong.

□ 1230

The best way to protect young children is to keep child predators locked up in the first place because someone who has molested a child will do it again and again and again.

Earlier this year, two young girls from my home State of Florida, 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde, were abducted, raped and killed. In both cases, the crimes were committed by convicted sex offenders who were out on probation. Coddling pedophiles with rehabilitation and self-esteem courses does not work. Locking them up works.

This law imposes a mandatory minimum punishment of 30 years for those who commit violent sexual crimes against children, as well as a minimum punishment of life in prison or a death sentence when that crime results in the child's death.

This legislation also cracks down on those sex offenders who refuse to follow registration requirements. Nearly 100,000 sex offenders remain unregistered and are moving freely about the country. This legislation will make it a Federal crime for those sex offenders who fail to register and will send them back to jail for another 5 to 20 years.

It is high time that our government cracks down on child molesters by implementing these commonsense reforms, and I urge my colleagues to vote "yes" on H.R. 3132.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I would like to thank my colleague for the time.

Mr. Chairman, I rise in support of H.R. 3132, the Children's Safety Act. I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for advancing this legislation.

It is unfortunate, but our children are not as safe as they could be. There are nearly 550,000 registered sex offenders here in the United States, one for nearly every 200 children. Worse, many of these individuals are able to slip through the cracks and become lost to law enforcement because many of these do not register; and when they move, States do not reregister. A 2003 investigation found in California alone 33,000 registered sex offenders could not be accounted for.

Studies indicate that the recidivism rate for child molesters is as high as 13 percent.

Consider the horrific case that all of us have read about recently of 9-year-old Jessica Lunsford. Jessica was abducted from her home, raped and then buried alive by a convicted sex offender who lived 150 feet from her home. Law enforcement officials had lost track of her murderer and were unaware that he worked at her school.

Mr. Chairman, when I worked in the White House, we worked on passing Megan's Law. That law was effective because it used the right technology at that point to help ensure the safety of our children. This legislation, with this type of technology, builds on the progress we made under Megan's Law to protect our children.

To utilize this new technology and to make our children safer, I introduced H.R. 3407, the Jessica Lunsford and Sarah Lunde Act, with companion legislation in the Senate with Senator NELSON.

Similar to programs already under way in some States, the system would utilize electronic technology, such as GPS, to track sexual predators upon their release from prison. There is no opt in or opt out. It would be a system to track them within 10 feet of their location at any time.

I am pleased that the gentleman from Wisconsin (Mr. SENSENBRENNER) has included an electronic monitoring pilot program in the Children's Safety Act. Furthermore, I am pleased that the chairman is also willing to address some of the other issues we discussed in the manager's amendment.

I would also like to thank the gentleman from Indiana (Mr. BURTON) for his help in securing our amendments.

Mr. Chairman, the fact is our children are not as safe as they could be. This bill, the Children's Safety Act, is an important step toward ensuring their safety and using the technology that is available today in the marketplace to ensure our law enforcement community has all the tools that are necessary to protect our children.

I support this bill and hope that my colleagues will join me and quickly pass this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for sponsoring this legislation. I am glad to be a co-author/cosponsor of the legislation.

The burden victims carry does not go away when the headlines do. The Children's Safety Act has important preventative measures, but it also instigates appropriate response after a citizen has been victimized.

The Children's Safety Act provides tough tools to keep predators accountable and their whereabouts known by the rest of us. There is one thing that a predator wants more than anything else and that is to remain anonymous, to sneak in and out of our communities and commit their criminal ways.

The issue of protecting our children from predators is on the minds of every

mother and father as they put their children on school buses every morning during the school year. From the countless phone calls, letters, and e-mails pleading to protect our kids from sex predators, we know these protections to our children in the Children's Safety Act are a priority to our Nation and our people.

Keeping our children safe from predators should be all of our priorities here in the United States Congress. We know that child molesters, after they leave the penitentiary, most of them do it again.

In this country, we are able to track a cow from the time it is born as a calf to the time it ends up on the supper table somewhere in the United States as a steak. We do that because of public safety. Now we are going to track child molesters when they leave the penitentiary. We will track them indefinitely because of public safety. Children should be at least as important as cattle.

As a co-author and cosponsor of the Children's Safety Act, as a former judge in Houston, Texas, I urge my colleagues on both sides of the aisle to listen to their constituents, listen to the people of this country, vote in favor of safety for American children. The days of child molesters running and hiding are over.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

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

Mr. Chairman, I rise in strong support of the Children's Safety Act of 2005. I commend the gentleman from Wisconsin (Mr. SENSENBRENNER) for this legislation and appreciate very much the bipartisan way in which he has worked with me in developing this legislation and in listening to the concerns that I have brought from experiences in our region.

Deviant sexual predators have clearly shown us that sex offenders do not stop at State lines, and neither should our sex offender laws. The Children's Safety Act is a comprehensive, bipartisan child safety bill that brings uniformity to our current sex offender registry system and increases penalties for those who prey upon our children.

The urgent need for a national system is clearly and tragically demonstrated by the case of Dru Sjodin. Dru Sjodin was a lovely young woman, a senior at the University of North Dakota, where she was holding down two jobs. She was an exceptional student, a leader in our community. She was abducted from a shopping center parking lot in broad daylight on a Saturday afternoon nearly 2 years ago.

This type of disappearance never happens in our part of the country, and it traumatized the whole community. Thousands spent weeks trudging through snow banks in the worst weather we ever saw searching for Dru.

Well, 5 months later, her dead body was found in a ravine just outside of Crookston, Minnesota.

It just so happens the investigation has revealed that a recently released Level III sex offender from Minnesota named Alfonso Rodriguez, Jr., was charged with Dru's kidnapping and murder. He was living in Minnesota. We did not know of his existence in North Dakota. He was registered as a sex offender only in the State of Minnesota.

This tragic example illustrates why we have to have a comprehensive response here, a nationwide Internet available, a registry system that families can access. It provides the kind of information in terms of where these high-risk offenders are living, where they are working, going to school, what kind of vehicle they are driving. People need this information to keep their children safe, and that is why I am proud to be a cosponsor of this bill and pleased that the chairman has designated in the legislation this registry in memory of Dru Sjodin, the Dru Sjodin National Sex Offender Registry.

The bill also has tough requirements for complying with keeping the registration information current so that the information on there is of value to families. It also has tough sanctions for those who would harm our children and, finally, Federal dollars to assist local police departments in making certain that people are complying with their registry requirements.

I believe that this legislation is a comprehensive response to a significant public policy need, and I urge the adoption of this. Families need this protection.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, as co-chairman of the Congressional Missing and Exploited Children's Caucus and an original author of the Sex Offender Registration and Notification measure included in this bill, I rise in strong support of H.R. 3132, the Children's Safety Act of 2005.

Mr. Speaker, we have all heard the names: Jessica Lunsford, Jetseta Gage, Sarah Lunde, Megan Kanka, Jacob Wetterling, just to name a few. All beautiful children carrying with them the hopes and dreams of every young child in this country. All taken away from their parents and their futures, killed by sex offenders.

This is an important piece of legislation we are faced with today. It is probably one of the most tragic things any family will ever deal with. While Katrina, the hurricane, and Judge Roberts are much in the headlines, below the fold seems to be daily an occurrence of a violent act against our children. It is time we get tough.

I have said repeatedly that in this country we track library books better than we do sex offenders. This bill, thanks to the good efforts of the gentleman from Wisconsin (Mr. SENSEN-

BRENNER) and others, seeks to correct that.

This bill is not a knee-jerk reaction. We have worked over 1 year on this legislation with the National Center For Missing and Exploited Children, the U.S. Department of Justice, and other Federal agencies.

It is horrific that in this country we are experiencing these untold tragedies throughout our Nation; but we can do better, and in this bill we will do better.

I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and his staff, Mike Volkov, for working tirelessly to produce this comprehensive child protection legislation. This bill has indeed many fathers and mothers. It is for the children, though, that we work and we labor.

I have often said this bill is a labor of love. Yet it is a labor of shame that we have these kinds of incidents of violence and tragedies affecting our kids.

I would like to thank Bradley Schreiber, my legislative director, who has worked so many hours in trying to perfect and work alongside staff to make this legislation possible; Ernie Allen from the National Center for Missing and Exploited Children; John Walsh from America's Most Wanted, who has led a crusade for well over 20 years since the death of his beautiful son Adam in Florida. John Walsh has brought a scrutiny to child protection legislation unlike any other human being.

Finally, and most important, I want to recognize the victims' parents. It is their hard work and determination, their tears and their frustration, and their fears for their other children that has brought this bill to the floor so quickly. They took away from their own tragedies a chance to help fellow Americans protect other children; and for that we are entirely grateful.

Mr. Chairman, these are not petty criminals. These are sex offenders, and they must be dealt with accordingly.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank my friend from Virginia very much for the time.

Mr. Chairman, I rise today in strong support of H.R. 3132, the Children's Safety Act of 2005. I am proud to have been an original cosponsor of this legislation, and I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for incorporating a piece of legislation that the gentleman from Florida (Mr. FOLEY) and I proposed last year, the Sex Offenders Registration and Notification Act.

The gentleman from Florida (Mr. FOLEY) and I stood with John Walsh, with Ernie Allen, with the Center for Missing and Exploited Children, representatives of the Boys and Girls Club as well, and parents of children who have been killed by sex offenders.

This Children's Safety Act of 2005 does, in fact, close the gaps. It tightens

the ability to track down where convicted sex offenders are living and to improve the ways we notify our neighborhoods and our school districts when convicted sex offenders choose to live in our community.

I am pleased that the gentleman from Florida's (Mr. FOLEY) legislation and my legislation was effectively included in title I of the bill we are considering today. When watching the news for the past 2 years, it is sickening to see of how many communities, how many neighborhoods, how many parents are terrorized because sex offenders are back in their neighborhoods.

I know from being a district attorney that our States have done a lot to correct the gaps, but more needs to be done. As a father, I do not want to see a child of mine victimized in that way, and I want to put myself in the shoes of those parents who had to experience this dreadful victimization.

We must support this legislation today because the Children's Safety Act will increase and tighten supervision of those sex offenders and will enhance uniform notification standards for tracking sex offenders. I strongly believe that this comprehensive bill finally will give law enforcement officers the tools and resources they need to track these criminals and to protect our children and families.

□ 1245

Mr. Chairman, I strongly urge my colleagues to adopt the Children's Safety Act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time. I appreciate the gentleman's work on this important legislation that will help protect our Nation's children.

Mr. Chairman, I rise in strong support of H.R. 3132, the Children's Safety Act. As we are hearing today, there is an epidemic of violence against our Nation's children. Almost weekly we hear of another tragic report of sex offenders preying on children. We all remember Jessica Lunsford, age 9, who was buried alive and murdered. Jessica's mother lives in my congressional district.

Tragically, one in five girls and 1 in 10 boys is sexually assaulted before adulthood. One of every six sexual assault victims is under the age of 6.

This is an issue that is very important to me. My home State of Ohio has made significant improvements to its sex offender registration and notification system. As a legislator in the Ohio General Assembly, I authored legislation, now Ohio law, that requires law enforcement to notify neighbors who live within a thousand feet of a sexual predator. I sought this change from prior law after a sexual predator moved across the street from a school bus stop in my district.

Mr. Chairman, I ask that this bipartisan legislation be unanimously passed.

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

During the last few minutes, we have heard a lot of praise of mandatory minimums. I just want to remind the House that the Judicial Conference writes us frequently and reminds us that mandatory minimums violate common sense. That is because if the offense requires the mandatory minimum and that makes common sense, it can be applied; but if it makes no sense, mandatory minimums require us to impose that sentence anyway.

Many of the provisions of the bill are crimes which we do not think would be subject to 5- or 10-year mandatory minimums. There is a provision in the bill that says that felonious assaults against a juvenile, which could be two juveniles having a fist fight in the school yard, if it gets into a big fight, that that is a 10-year mandatory minimum if no injury occurs. Now, of course, if an injury occurs in the fight, then you are talking about 20 years. I think common sense should prevail and a more appropriate sentence could be given.

This entire registration program that requires people to register has not been shown to reduce the incidence of child molestation. For someone who commits a crime, even as a juvenile, they will be subject to lifetime registration. There is no suggestion and there is no evidence that that reduces crime. It may actually increase crime.

We know that 90 percent of the offenses against children were people that would not be covered by the legislation, and 3.3 percent of those covered by the legislation might offend. We have other ways of dealing with that in such a way that we can actually reduce that 3.3 as much as 50 percent. We ought to be focused on that.

Mr. Chairman, we need to focus on the things that will actually reduce crime. This bill, many of the provisions of it, obviously, do not; and I would hope that we would focus appropriately to actually protect the children.

Mr. HOLT. Mr. Chairman, I rise today to oppose the so-called Child Safety Act, H.R. 3132, because it forsakes meaningful crime reduction in favor of ineffective solutions that will only create a false illusion that our children are better protected from sexual abuse.

We have all read with heartbreak and anger the horrible, the terrible stories of sexual abuse, abduction, and murder of children. It is clear that we need to protect children from sexual predators and pedophiles through stronger laws and better enforcement. I realize that voting against a bill with a title as attractive as this is easily misunderstood and mischaracterized. But I have never been one to vote for form over substance, nor to shy away from standing up for what is right regardless of the political slings and arrows. Unfortunately, this bill will do more harm than good, and in the balance will do precious little to make our children safer. I hope the Senate will do better.

We need a real system that gives parents peace of mind and enables them to be aware of the presence of pedophiles in their neighborhood. A National Sex Offender Registry, that is maintained by the United States Department of Justice is a very good idea that I support. Members of every local community would be able to access this registry online, and be able to keep tabs on those who may pose harm to our children. States would notify each other when sex offenders move between States, and reporting requirements would be uniform so that it's easier to keep the lists current and accurate. This is a sensible thing that we should be doing to protect our children. I would be proud to support it and I hope it will be addressed on the floor in a more rational way.

That leads me to my overriding criticism of this bill: Its flaws are so troubling and fundamental that it compels me to oppose passage despite my support of one component part.

This bill creates 36 new mandatory minimum penalties. Mandatory minimum penalties do not work. They discount mitigating factors in crimes, prevent judges from meting out punishments that are tailored to the criminal, and have been proven discriminatory to people of color. They do not work. They may make legislators feel good but they have been shown not to reduce crime rates. Even the Judicial Conference, the group that represents Federal judges, has said that mandatory minimums violate common sense. Let me explain how just one of the new minimums will make us less safe, instead of more. If a previously convicted but released sex offender commits a technical violation of the reporting requirements—for example, they miss the registration deadline by a day or a week—they would receive a mandatory 5-year sentence. There is no discussion, and there can be no evaluation by a Federal judge.

The result is that sex offenders who miss the deadline or commit other technical violations will only be driven underground. Instead of turning themselves in, they will go under the radar and into unsuspecting communities. This is exactly the opposite of what needs to happen.

Also troubling is the fact that this legislation creates two additional death penalties. Yet, research has shown that capital punishment is not a deterrent to crime. Let me repeat, the death penalty simply does not reduce crime.

Those who commit the most heinous and terrible crimes against our children should have to face being locked away for the rest of their lives, where they must contemplate their crimes until the end of their days, without posing harm to society. But expanding the already ineffective death penalty to crimes where the victim's death is not even intentional is not only illogical, it is immoral. The government's job is to prevent crime and punish criminals, often severely. But killing citizens in order to exact retribution is inappropriate for a government that seeks to be moral.

We do need a Child Safety Act, but it should be a real one. We need sensible punishments and preventative measures that will actually reduce sexual predation, not just talk tough.

I am very disappointed that this bill weakens sound registration requirements and penalties by stacking them on fundamentally flawed provisions. It is my hope that sensible actions to protect our children are considered at the earliest possible date.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 3132, the Children's Safety Act of 2005. Once again, this Congress is attempting to address a very serious and complicated problem with a law that substitutes the talking points of "tough on crime" politicians for the wisdom of judges, prosecutors, treatment professionals and child advocates. As a father and someone who has fought for better foster care, education, and health care for children, I object to this ill-conceived legislation that is as much an attack on our independent judiciary as it is a bill to protect kids.

Many child advocates themselves oppose this bill because kids in grade school or junior high will be swept up alongside paroled adults in sex offender registries. Many caught in registries would be 13 and 14 year olds. In some States, children 10 and under would be registered.

This bill creates 36 new mandatory minimum sentences, which impose the judgment of Congress over every case, regardless of the circumstances. The Judicial Conference of the United States and the U.S. Sentencing Commission have found that mandatory minimums actually have the opposite of their intended effect. They "destroy honesty in sentencing by encouraging plea bargains." They treat dissimilar offenders in a similar manner, even though there are vast differences in the seriousness of their conduct and their danger to society. Judges serve a very important role in criminal justice, and Congress should not attempt to do their job for them.

Finally, this bill expands the death penalty, which is not a deterrent, costs more to implement than life imprisonment, and runs the risk of executing the innocent.

Nobody, especially the parents and victims of sexual abuse who have contacted me on this issue, should confuse my objections to this bad policy with indifference to the problem of child sex abuse in this country. It is a huge problem, affecting millions of American children. Recent news stories prove that the registry system isn't working well.

I support aspects of this bill, including a strengthened nationwide registry for pedophiles, with strict requirements for reporting changes of address and punishments for failing to report. I support establishing treatment programs for sex offenders in prison, background checks for foster parents, funding for computer systems to track sex crimes involving the Internet, and, at last resort, procedures for committing sexually dangerous persons to secure treatment facilities.

However, I cannot violate my constitutional duty to protect our independent judiciary nor can I support extreme, dangerous policies, so I will vote against this bill. I hope that, working with the Senate, we can improve this legislation and implement the policies that everyone agrees are needed without the unintended consequences of the bill in its current form.

Mr. SMITH of Texas. Mr. Chairman, I support H.R. 3132. It is an important bill that will help ensure the safety of American children against sexual predators.

In recent months we have heard all too often about the innocent lives of children being shattered by an adult who sexually abuses the child.

We are all familiar with the cases, some of which have been mentioned today, such as Jessica Lunsford who was kidnapped, held captive, abused and tortured for 3 days by a

convicted sex offender who ultimately killed her by burying her alive.

And there was the case of 8-year-old Shasta Groene who was kidnapped, sexually abused, and held captive for weeks by a convicted sex offender who murdered her family.

These stories are atrocious and that is why Congress is acting to further protect American children with the Children's Safety Act.

The bill requires jurisdiction-wide sex offender registries containing information like where the sex offender resides and is employed or attends school. The bill requires a sex offender to appear in person at least once every 6 months to verify their registration information.

The bill also creates a new Federal crime for failure to register as a sex offender and sets the mandatory minimum for that offense at 5 years and a maximum of 20 years.

The bill sets other mandatory minimum sentences for crimes of violence against children like murder, kidnapping, maiming, aggravated sexual abuse, sexual abuse or where the crime results in serious bodily injury.

The statistics surrounding child sexual abuse are astonishing—1 in 5 girls and 1 in 10 boys are sexually exploited before they reach adulthood. And one of every six sexually assaulted victims is under the age of 6.

We must protect our children by every possible means. The Children's Safety Act of 2005 will help us do so and for that reason I support this legislation.

Mr. ROYCE. Mr. Chairman, I am a cosponsor of H.R. 3132, the Children's Safety Act. I would have voted "yes" on this legislation. However, I am in New York City on official business for the House of Representatives. I was appointed by Speaker HASTERT as a delegate from the Committee on International Relations to serve as a representative to the United Nations General Assembly.

H.R. 3132 will help to address loopholes in current sex offender notification requirements, so that parents and the public can be armed with knowledge of any sex offenders living and working in their community. This legislation addresses a number of child crime issues, including registration of sex offenders, violent crimes against children, sexual crimes against children, sexual exploitation of children, and protection of foster and adopted children. The Children's Safety Act was drafted in response to the recent horrific attacks and murders of Jessica Lunsford, Sarah Lunde, Jetseta Gage, and others who have recently been killed by sex offenders. I strongly support this bill and look forward to it becoming law.

Mr. COSTA. Mr. Chairman, I rise today to speak in support of the Children's Safety Act. This legislation will close sexual offender registration loopholes and punish offenders who do not follow the law.

Sadly, every year hundreds of children are victimized by a convicted sexual offender. Convicted predators should be put in prison where they belong and kept away from our Nation's children. The Children's Safety Act, H.R. 3132, will do this. These tougher sentences will lock up repeat offenders and help keep our children safe. Because we know the recidivism rate of sexual offenders is very high, these longer sentences are crucial to protecting our children. We must hold these sexual offenders accountable and lock them up.

A National Sex Offender Registry, which is one of the components of the Children's Safe-

ty Act, will better enable us to protect our children. People have a right to know where sex offenders live and it is important for parents to have access to a national registry in order to make sure their children are safe.

In addition, to punishing sexual offenders and protecting our children, we must also provide services, resources and counseling to the people who are victims of these horrible crimes. Children need help healing the wounds caused by the heinous actions of sexual offenders. We must not forget their needs. Because the needs of victims are so crucial, I along with Congressman TED POE and Congresswoman KATHERINE HARRIS have formed the Victims' Rights Caucus. Through the caucus we draw attention to victim issues, work to protect funding that provides victims' services and introduce legislation to assist with victims. We must not forget the victims of crimes, especially when they are children.

Mr. GRAVES. Mr. Chairman, I rise today to speak in support of the Children's Safety Act of 2005. This legislation, if passed, will close the loopholes in the current system that allow sexual predators to evade law enforcement. It will enhance the current sex offender registration and community notification law. It will create a comprehensive national system for sex offender registration, improve information exchange between States when sex offenders move from State to State, and increase penalties for failing to comply with the registration law.

I would like to commend the Chairman for bringing this outstanding package to the floor today. I am very grateful that the Chairman has included several provisions from a bill that I introduced entitled the Sexual Predator Sentencing Act of 2005. These provisions would toughen several existing sentencing guidelines and keep sex offenders off the street.

Provisions incorporated from my bill will increase the criminal penalties and establish mandatory minimums for those that harm our children whether it is over the Internet or in person.

Strong laws that hold the criminal accountable are a vital component in the effort to protect children. Those who abduct children are often serial offenders who have already been convicted of similar offenses. Strong sentencing is an essential component in any effort to fight crimes against children.

This legislation contains many vital provisions in protecting our children from these violent predators. Our children must be protected against repeat sexual offenders. The Children's Safety Act of 2005 should be passed to keep sexual predators behind bars and our children safe.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of H.R. 3132, the Children's Safety Act of 2005.

Mr. Chairman, as a father and a grandfather I am often reminded of the dangers that surround my loved ones. Specifically, the growing threat that sexual predators pose to our Nation's children and their families represents an area where our criminal justice system has failed the American people. In order to effectively protect our loved ones, we must provide the American public with unfettered access to know who these dangerous criminals are and where they are living. If a picture is worth a thousand words, then a comprehensive nationwide publicly accessible database is worth at least that many lives.

I was pleased that Chairman SENSENBRENNER included provisions from my bill, H.R. 95, that would create a national, comprehensive, and publicly accessible sex offender database into this comprehensive piece of legislation. Additionally, I was delighted at the level of bi-partisanship that both my bill and today's legislation have received and I would like to personally thank Mr. POMEROY from North Dakota for his leadership and support. Also, I would like to extend my gratitude to organizations like the Big Brothers and Big Sisters of America and the Safe Now Project for their endorsements of H.R. 95's national database provision.

H.R. 3132 directly addresses the shortcomings of our criminal justice system and aims to make our country safer and more secure from those that would prey on our most vulnerable and our most prized assets—our children. With over 500,000 registered sex offenders and countless others which remain unknown, law enforcement and corrections personnel will have additional resources at their disposal to prevent and solve these types of crimes. Additionally, this bill strengthens the criminal code for sexually violent crimes and creates more stringent regulations which convicted offenders must adhere to in order to ensure proper monitoring. Americans have heard the heart wrenching stories of innocent children being harmed by predators, and we must make every effort to ensure that tragedies like these never happen again.

Mr. Chairman, today we must come together to make certain that our children grow up in a safe and secure environment and that parents are unafraid to let their children play in the neighborhood because they have the information they need to protect them. Knowledge is power, and today we have an opportunity before us to supply the American public with the tools necessary to protect themselves, their family, and their friends against those that would commit these heinous crimes. I urge all of my colleagues to cast their vote in support of this legislation and collectively answer the American public's call to provide them with additional resources to combat these predators before another life is lost and tragedy befalls another family.

Mr. SCOTT of Virginia. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in that portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 3132

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 “Children’s Safety Act of 2005”.

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Sec. 101. Short title.

Sec. 102. Declaration of purpose.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.

Sec. 112. Registry requirements for jurisdictions.

Sec. 113. Registry requirements for sex offenders.

Sec. 114. Information required in registration.

Sec. 115. Duration of registration requirement.

Sec. 116. In person verification.

Sec. 117. Duty to notify sex offenders of registration requirements and to register.

Sec. 118. Jessica Lunsford Address Verification Program.

Sec. 119. National Sex Offender Registry.

Sec. 120. Dru Sjodin National Sex Offender Public Website.

Sec. 121. Public access to sex offender information through the Internet.

Sec. 122. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.

Sec. 123. Actions to be taken when sex offender fails to comply.

Sec. 124. Immunity for good faith conduct.

Sec. 125. Development and availability of registry management software.

Sec. 126. Federal duty when State programs not minimally sufficient.

Sec. 127. Period for implementation by jurisdictions.

Sec. 128. Failure to comply.

Sec. 129. Sex Offender Management Assistance (SOMA) Program.

Sec. 130. Demonstration project for use of electronic monitoring devices.

Sec. 131. Bonus payments to States that implement electronic monitoring.

Sec. 132. National Center for Missing and Exploited Children access to Interstate Identification Index.

Sec. 133. Limited immunity for National Center for Missing and Exploited Children with respect to CyberTipline.

Subtitle B—Criminal law enforcement of registration requirements

Sec. 151. Amendments to title 18, United States Code, relating to sex offender registration.

Sec. 152. Investigation by United States Marshals of sex offender violations of registration requirements.

Sec. 153. Sex offender apprehension grants.

Sec. 154. Use of any controlled substance to facilitate sex offense.

Sec. 155. Repeal of predecessor sex offender program.

TITLE II—DNA FINGERPRINTING

Sec. 201. Short title.

Sec. 202. Expanding use of DNA to identify and prosecute sex offenders.

Sec. 203. Stopping Violent Predators Against Children.

Sec. 204. Model code on investigating missing persons and deaths.

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

Sec. 301. Short title.

Sec. 302. Assured punishment for violent crimes against children.

Sec. 303. Ensuring fair and expeditious Federal collateral review of convictions for killing a child.

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN ACT OF 2005

Sec. 401. Short title.

Sec. 402. Increased penalties for sexual offenses against children.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

Sec. 501. Short title.

Sec. 502. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and state child abuse registries; suspension and subsequent elimination of opt-out.

Sec. 503. Access to Federal crime information databases by child welfare agencies for certain purposes.

Sec. 504. Penalties for coercion and enticement by sex offenders.

Sec. 505. Penalties for conduct relating to child prostitution.

Sec. 506. Penalties for sexual abuse.

Sec. 507. Sex offender submission to search as condition of release.

Sec. 508. Kidnapping penalties and jurisdiction.

Sec. 509. Marital communication and adverse spousal privilege.

Sec. 510. Abuse and neglect of Indian children.

Sec. 511. Civil commitment.

Sec. 512. Mandatory penalties for sex-trafficking of children.

Sec. 513. Sexual abuse of wards.

The CHAIRMAN. Are there amendments to section 1? The Clerk will designate title I.

The text of title I is as follows:

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “Sex Offender Registration and Notification Act”.

SEC. 102. DECLARATION OF PURPOSE.

In response to the vicious attacks by violent sexual predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of sex offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005 in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a

public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) **SEX OFFENDER REGISTRY.**—The term “sex offender registry” means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(2) **JURISDICTION.**—The term jurisdiction means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) A federally recognized Indian tribe.

(3) **AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION.**—The term “sex offender” means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated a juvenile delinquent for, an offense (other than an offense involving sexual conduct where the victim was at least 13 years old and the offender was not more than 4 years older than the victim and the sexual conduct was consensual, or an offense consisting of consensual sexual conduct with an adult) whether Federal, State, local, tribal, foreign (other than an offense based on conduct that would not be a crime if the conduct took place in the United States), military, juvenile or other, that is—

(A) a specified offense against a minor;

(B) a serious sex offense; or

(C) a misdemeanor sex offense against a minor.

(4) **EXPANSION OF DEFINITION OF OFFENSE TO INCLUDE ALL CHILD PREDATORS.**—The term “specified offense against a minor” means an offense against a minor that involves any of the following:

(A) Kidnapping (unless committed by a parent).

(B) False imprisonment (unless committed by a parent).

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F) Possession, production, or distribution of child pornography.

(G) Criminal sexual conduct towards a minor.

(H) Any conduct that by its nature is a sexual offense against a minor.

(I) Any other offense designated by the Attorney General for inclusion in this definition.

(J) Any attempt or conspiracy to commit an offense described in this paragraph.

(5) **SEX OFFENSE.**—The term “sex offense” means a criminal offense that has an element involving sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

(6) **SERIOUS SEX OFFENSE.**—The term “serious sex offense” means—

(A) a sex offense punishable under the law of a jurisdiction by imprisonment for more than one year;

(B) any Federal offense under chapter 109A, 110, 117, or section 1591 of title 18, United States Code;

(C) an offense in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105-119 (10 U.S.C. 951 note);

(D) any other offense designated by the Attorney General for inclusion in this definition.

(7) **MISDEMEANOR SEX OFFENSE AGAINST A MINOR.**—The term “misdemeanor sex offense against a minor” means a sex offense against a minor punishable by imprisonment for not more than one year.

(8) **STUDENT.**—The term “student” means an individual who enrolls or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(9) **EMPLOYEE.**—The term “employee” includes an individual who is self-employed or works for any other entity, whether compensated or not.

(10) **RESIDES.**—The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual lives.

(11) **MINOR.**—The term “minor” means an individual who has not attained the age of 18 years.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title. The Attorney General shall issue and interpret guidelines to implement the requirements and purposes of this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) **IN GENERAL.**—A sex offender must register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.

(b) **INITIAL REGISTRATION.**—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 5 days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) **KEEPING THE REGISTRATION CURRENT.**—A sex offender must inform each jurisdiction involved, not later than 5 days after each change of residence, employment, or student status.

(d) **RETROACTIVE DUTY TO REGISTER.**—The Attorney General shall prescribe a method for the registration of sex offenders convicted before the enactment of this Act.

(e) **STATE PENALTY FOR FAILURE TO COMPLY.**—Each jurisdiction shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) **PROVIDED BY THE OFFENDER.**—The sex offender must provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address and location of the residence at which the sex offender resides or will reside.

(4) The place where the sex offender is employed or will be employed.

(5) The place where the sex offender is a student or will be a student.

(6) The license plate number of any vehicle owned or operated by the sex offender.

(7) A photograph of the sex offender.

(8) A set of fingerprints and palm prints of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an accurate set.

(9) A DNA sample of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an appropriate DNA sample.

(10) Any other information required by the Attorney General.

(b) **PROVIDED BY THE JURISDICTION.**—The jurisdiction in which the sex offender registers shall include the following information in the registry for that sex offender:

(1) A statement of the facts of the offense giving rise to the requirement to register under this title.

(2) The criminal history of the sex offender.

(3) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current—

(1) for the life of the sex offender, if the offense is a specified offense against a minor, a serious sex offense, or a second misdemeanor sex offense against a minor; and

(2) for a period of 20 years, in any other case.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person and verify the information in each registry in which that offender is required to be registered not less frequently than once every six months.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

An appropriate official shall, shortly before release from custody of the sex offender, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duty to register and explain that duty;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

(a) **ESTABLISHMENT.**—There is established the Jessica Lunsford Address Verification Program (hereinafter in this section referred to as the “Program”).

(b) **VERIFICATION.**—In the Program, an appropriate official shall verify the residence of each registered sex offender not less than monthly or, in the case of a sex offender required to register because of a misdemeanor sex offense against a minor, not less than quarterly.

(c) **USE OF MAILED FORM AUTHORIZED.**—Such verification may be achieved by mailing a nonforwardable verification form to the last known address of the sex offender. The date of the mailing may be selected at random. The sex offender must return the form, including a notarized signature, within a set period of time. A failure to return the form as required may be a failure to register for the purposes of this title.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and other person required to register in a jurisdiction’s sex offender registry. The database shall be known as the National Sex Offender Registry.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) **ESTABLISHMENT.**—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the “Website”).

(b) **INFORMATION TO BE PROVIDED.**—The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

(c) **ELECTRONIC FORWARDING.**—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions, unless the Attorney General determines that each jurisdiction has so modified its sex offender registry and notification program that there is no longer a need for the Attorney General to do.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

Each jurisdiction shall make available on the Internet all information about each sex offender

in the registry, except for the offender’s Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this information in a manner that is readily accessible to the public.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) **ESTABLISHMENT OF PROGRAM.**—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Program (hereinafter in this section referred to as the “Program”).

(b) **NOTIFICATION.**—In the Program, as soon as possible, and in any case not later than 5 days after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is employed, or is a student.

(3) Each jurisdiction from or to which a change of residence, work, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate State and local law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry. The appropriate official, the Attorney General, and each such State and local law enforcement agency shall take any appropriate action to ensure compliance.

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

Law enforcement agencies, employees of law enforcement agencies and independent contractors acting at the direction of such agencies, and officials of jurisdictions and other political subdivisions shall not be civilly or criminally liable for good faith conduct under this title.

SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

The Attorney General shall develop and support software for use to establish, maintain, publish, and share sex offender registries.

SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT MINIMALLY SUFFICIENT.

If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, the Department of Justice shall, to the extent practicable, carry out the duties imposed on that jurisdiction by this title.

SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

Each jurisdiction shall implement this title not later than 2 years after the date of the enactment of this Act. However, the Attorney General may authorize a one-year extension of the deadline.

SEC. 128. FAILURE TO COMPLY.

(a) **IN GENERAL.**—For any fiscal year after the end of the period for implementation, a jurisdiction that fails to implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(1) *BYRNE*.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) *LLEBG*.—The Local Government Law Enforcement Block Grants program.

(b) *REALLOCATION*.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this title shall be reallocated under that program to jurisdictions that have not failed to implement this title.

SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) *IN GENERAL*.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the “SOMA program”) under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) *APPLICATION*.—The chief executive of a jurisdiction shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) *BONUS PAYMENTS FOR PROMPT COMPLIANCE*.—A jurisdiction that, as determined by the Attorney General, has implemented this title not later than two years after the date of the enactment of this Act is eligible for a bonus payment. Such payment shall be made under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if implementation is not later than one year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than two years after that date.

(d) *AUTHORIZATION OF APPROPRIATIONS*.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2006 through 2008.

SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.

(a) *PROJECT REQUIRED*.—The Attorney General shall carry out a demonstration project under which the Attorney General makes grants to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

(b) *USE OF FUNDS*.—The jurisdiction may use grant amounts under this section directly, or through arrangements with public or private entities, to carry out programs under which the whereabouts of sex offenders are monitored by electronic monitoring devices.

(c) *PARTICIPANTS*.—Not more than 10 jurisdictions may participate in the demonstration project at any one time.

(d) *FACTORS*.—In selecting jurisdictions to participate in the demonstration project, the Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.

(3) The threat to public safety posed by those sex offenders who fail to comply with registration requirements.

(4) Any other factor the Attorney General considers appropriate.

(e) *DURATION*.—The Attorney General shall carry out the demonstration project for fiscal years 2007, 2008, and 2009.

(f) *REPORTS*.—The Attorney General shall submit to Congress an annual report on the

demonstration project. Each such report shall describe the activities carried out by each participant, assess the effectiveness of those activities, and contain any other information or recommendations that the Attorney General considers appropriate.

(g) *AUTHORIZATION OF APPROPRIATIONS*.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT ELECTRONIC MONITORING.

(a) *IN GENERAL*.—A State that, within 3 years after the date of the enactment of this Act, has in effect laws and policies described in subsection (b) shall be eligible for a bonus payment described in subsection (c), to be paid by the Attorney General from any amounts available to the Attorney General for such purpose.

(b) *ELECTRONIC MONITORING LAWS AND POLICIES*.—

(1) *IN GENERAL*.—Laws and policies referred to in subsection (a) are laws and policies that ensure that electronic monitoring is required of a person if that person is released after being convicted of a State sex offense in which an individual who has not attained the age of 18 years is the victim.

(2) *MONITORING REQUIRED*.—The monitoring required under paragraph (1) is a system that actively monitors and identifies the person’s location and timely reports or records the person’s presence near or within a crime scene or in a prohibited area or the person’s departure from specified geographic limitations.

(3) *DURATION*.—The electronic monitoring required by paragraph (1) shall be required of the person—

(A) for the life of the person, if—

(i) an individual who has not attained the age of 12 years is the victim; or

(ii) the person has a prior sex conviction (as defined in section 3559(e) of title 18, United States Code); and

(B) for the period during which the person is on probation, parole, or supervised release for the offense, in any other case.

(4) *STATE REQUIRED TO MONITOR ALL SEX OFFENDERS RESIDING IN STATE*.—In addition, laws and policies referred to in subsection (a) also includee laws and policies that ensure that the State frequently monitors each person residing in the State for whom electronic monitoring is required, whether such monitoring is required under this section or under section 3563(a)(9) of title 18, United States Code.

(c) *BONUS PAYMENTS*.—The bonus payment referred to in subsection (a) is a payment equal to 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(1) *BYRNE*.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) *LLEBG*.—The Local Government Law Enforcement Block Grants program.

(d) *DEFINITION*.—In this section, the term “State sex offense” means any criminal offense in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by the following:

(1) A specified offense against a minor.

(2) A serious sex offense.

SEC. 132. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN ACCESS TO INTERSTATE IDENTIFICATION INDEX.

(a) *IN GENERAL*.—Notwithstanding any other provision of law, the Attorney General shall ensure that the National Center for Missing and Exploited Children has access to the Interstate Identification Index, to be used by the Center only within the scope of its duties and responsibilities under Federal law. The access provided

under this section shall be authorized only to personnel of the Center that have met all the requirements for access, including training, certification, and background screening.

(b) *IMMUNITY*.—Personnel of the Center shall not be civilly or criminally liable for any use or misuse of information in the Interstate Identification Index if in good faith.

SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN WITH RESPECT TO CYBERTIPLINE.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following new subsection:

“(g) *LIMITATION ON LIABILITY*.—

“(1) *IN GENERAL*.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action for damages directly related to the performance of its CyberTipline responsibilities and functions as defined by this section.

“(2) *INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT*.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

“(3) *ORDINARY BUSINESS ACTIVITIES*.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.”

Subtitle B—Criminal Law Enforcement of Registration Requirements

SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) *CRIMINAL PENALTIES FOR NONREGISTRATION*.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

“CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

“Sec.
“2250. Failure to register.

“§2250. Failure to register

“Whoever receives a notice from an official that such person is required to register under the Sex Offender Registration and Notification Act and—

“(1) is a sex offender as defined for the purposes of that Act by reason of a conviction under Federal law; or

“(2) thereafter travels in interstate or foreign commerce, or enters or leaves Indian country; and knowingly fails to register as required shall be fined under this title and imprisoned not less than 5 years nor more than 20 years.”

(b) *CLERICAL AMENDMENT*.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following new item:

“109B. Sex offender and crimes against children registry 2250”.

(c) *FALSE STATEMENT OFFENSE*.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: “If the matter relates to an offense under chapter 109A, 109B, 110, or 117, then the term of imprisonment imposed under this section shall be not less than 5 years nor more than 20 years.”

(d) *PROBATION*.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

“(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and”.

(e) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with “The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)”, by striking “described in section 4042(c)(4)” and all that follows through the end of the sentence and inserting “required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.”

(2) in subsection (k)—

(A) by striking “2244(a)(1), 2244(a)(2)” and inserting “2243, 2244, 2245, 2250”;

(B) by inserting “not less than 5,” after “any term of years”; and

(C) by adding at the end the following: “If a defendant required to register under the Sex Offender Registration and Notification Act violates the requirements of that Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years, and if the offense was an offense under chapter 109A, 109B, 110, or 117, not less than 10 years.”

(f) DUTIES OF BUREAU OF PRISONS.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

“(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.”

(g) CONFORMING AMENDMENT OF CROSS REFERENCE.—Paragraph (1) of section 4042(c) of title 18, United States Code, is amended by striking “(4)” and inserting “(3)”.

(h) CONFORMING REPEAL OF DEADWOOD.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

SEC. 152. INVESTIGATION BY UNITED STATES MARSHALS OF SEX OFFENDER VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall use the authority provided in section 566(e)(1)(B) of title 28, United States Code, to assist States and other jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to implement this section.

SEC. 153. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

“PART JJ—SEX OFFENDER APPREHENSION GRANTS

“SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

“(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

“(b) COVERED ACTIVITIES.—An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

“SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this part.”

SEC. 154. USE OF ANY CONTROLLED SUBSTANCE TO FACILITATE SEX OFFENSE.

(a) INCREASED PUNISHMENT.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

“§2249. Use of any controlled substance to facilitate sex offense

“(a) Whoever, knowingly uses a controlled substance to substantially impair the ability of a person to appraise or control conduct, in order to commit a sex offense, other than an offense where such use is an element of the offense, shall, in addition to the punishment provided for the sex offense, be imprisoned for any term of years not less than 10, or for life.

“(b) As used in this section, the term ‘sex offense’ means an offense under this chapter other than an offense under this section.”

(b) AMENDMENT TO TABLE.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

“2249. Use of any controlled substance to facilitate sex offense.”

SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

AMENDMENT NO. 27 OFFERED BY MR.

SENSENBRENNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. SENSENBRENNER:

Page 11, line 2, after “jurisdiction” insert “, other than a Federally recognized Indian tribe”.

Page 27, line 5, insert “, or resides in,” after “enters or leaves”.

Page 6, line 22, strike “A” and insert “To the extent provided and subject to the requirements of section 126, a”.

Page 6, line 19, strike “Somoa” and insert “Samoa”.

Page 6, line 20, insert “The” before “North-ern”.

Page 10, line 4, strike “and interpret”.

Page 10, line 5, strike “to implement the requirements and purposes of” and insert “and regulations to interpret and implement”.

Page 12, line 23, after “years” insert “(but such 20-year period shall not include any time the offender is in custody or civilly committed)”.

Page 16, line 15, after “jurisdiction” insert “where the sex offender resides, works, or attends school, and each jurisdiction”.

Strike section 124 and insert the following:

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

Page 18, beginning in line 7, strike “a one-year extension” and insert “up to two one-year extensions”.

Page 19, line 3, after “title” insert “or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title”.

Page 25, beginning in line 14, strike “for damages directly related to” and insert “arising from”.

Page 26, beginning in line 20, strike “receives a notice from an official that such person”.

Page 27, line 16, insert “or section 1591,” after “117.”

Page 29, line 3, insert “or section 1591,” after “117.”

Page 29, strike lines 14 through 17 and insert the following:

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES.—Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code, are each amended by striking “(4)” and inserting “(3)”.

Page 10, line 26, after “Act” insert “or its effective date in a particular jurisdiction”.

Page 19, after line 3, insert the following:

(c) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute only conditions required to avoid the reduction of Federal funding under this section.

Page 11, line 20, after “plate number” insert “and description”.

Page 26, after line 7, insert the following:

SEC. 135. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(f) SEX OFFENDER MANAGEMENT.—

“(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

“(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

“(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

“(2) REGIONS.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.”

At the end of title I, insert the following:

SEC. 155. ASSISTANCE FOR PROSECUTIONS OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help investigate and prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 156. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006 through 2010.

Page 15, line 13, strike “Each” and insert “(a) IN GENERAL.—Except as provided in subsection (b), each”.

Page 15, after line 19, insert the following:

(b) EXCEPTION.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a sex offender required to register

for committing a misdemeanor sex offense against a minor who has attained the age of 16 years.

Page 8, line 15, insert "a" before "sexual act".

Page 12, line 13, insert ", including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense" before the period.

Page 5, after line 23, insert the following:

(1) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.

Page 24, beginning in line 7, strike "in a range" and all that follows through "by" in line 9 and inserting "that is one of".

Page 21, after line 15, insert the following (and redesignate succeeding subsections accordingly):

(f) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(g) ONE-TIME REPORT AND RECOMMENDATIONS.—Not later than April 1, 2008, the Attorney General shall submit to Congress a report—

(1) assessing the effectiveness and value of programs funded by this section;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

Mr. SENSENBRENNER. Mr. Chairman, I rise to offer an amendment to the bill which makes a number of technical changes and substantive improvements to title I of the bill dealing with the sex offender registration and notification requirements and related issues. Let me briefly summarize some of the most important provisions.

First, the amendment includes a requirement that the Bureau of Prisons provide adequate treatment programs for sex offenders in all six of the regions and that they have adequate access to treatment in both residential and nonresidential programs.

Second, the amendment authorizes grants to States for prosecution of cases solved by DNA evidence. With the overwhelming passage of the Justice for All Act last Congress, this body recognized that DNA is a valuable tool for solving crimes. The amendment incorporates the proposal by the gentleman from California (Mr. GALLEGLY) which will further assist States in hiring more prosecutors and investigators for cases solved by DNA evidence.

Third, the amendment includes proposals contained in H.R. 3687, offered by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Massachusetts (Mr. DELAHUNT), and the gentleman from Texas (Mr. POE), and specifically authorizes technical assistance grants to improve the quality of criminal investigation and prosecution of child abuse cases.

Fourth, the amendment expands on the pilot program for electronic monitoring programs for sex offenders. As technology develops, we need to use tracking technologies to monitor sex offenders' locations and movements so that the public can be protected and law enforcement can intervene before

another tragic attack against a child occurs.

Mr. Chairman, I urge my colleagues to support this amendment in the bill.

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

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MR. SENSENBRENNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. SENSENBRENNER:

Page 26, after line 7, insert the following:
SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF HURRICANE KATRINA.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of Hurricane Katrina.

Mr. SENSENBRENNER. Mr. Chairman, I rise to offer this amendment to respond to the law enforcement problems being faced by Louisiana, Mississippi, Alabama, Texas, and other States as a result of the devastation from Hurricane Katrina.

It is estimated that at least 15,000 sex offenders have been relocated from the affected area as a part of disaster relief efforts. Criminal records and sex offender information are, in many cases, not available to law enforcement or the community to track these offenders as they move to new areas. But this is just the tip of the iceberg.

It has been reported by the Texas Department of Justice, for example, that the State is experiencing significant increases in violent crime. There are 1,350 sex offenders unaccounted for in Houston alone after being evacuated from Louisiana. The parole department in Louisiana has no idea where these people are and can provide no identifying information, fingerprints or photos.

Reports also indicate that crimes against children in Texas shelters are rising. These States are in desperate need of Federal assistance. My amendment does just that by directing the Justice Department to provide technical assistance to help law enforcement in these areas and to identify sex offenders who have been relocated.

It is critical we protect our children while disaster relief is being provided, and I urge support of the amendment.

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

The amendment was agreed to.

PERMISSION TO OFFER AMENDMENTS NO. 4 AND 7 DURING CONSIDERATION OF TITLE III

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to consider amendments No. 4 and 7, preprinted in the CONGRESSIONAL

RECORD, when we call up title III. These amendments primarily affect title III. However, there is a little portion that affects title I.

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

There was no objection.

AMENDMENT NO. 18 OFFERED BY MR. CUELLAR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. CUELLAR: Page 11, line 4, after the comma insert "and a minimum term of imprisonment that is no less than 90 days,".

Mr. CUELLAR. Mr. Chairman, I rise in support of the Children's Safety Act; and I offer this amendment, which I believe is acceptable to the Chair and which I believe also is in the best interest of our communities.

Today, Mr. Chairman, we consider a bill that sets serious penalties for sex offenders. I want to thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for bringing this bill up; and of course I also want to thank the ranking members, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT), for considering this bill and the amendments.

Mr. Chairman, we all agree such offenses are tragic, with effects that scar victims for a lifetime. I am proud this body is considering tough legislation that punishes sex offenders who prey upon youth and innocence.

The sex offender registry is a critical tool that helps protect our communities from sexual predators. It allows local law enforcement officers and probation and parole authorities to keep current information about the residence, work, and student information of a sex offender.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding. I will be happy to accept his amendment. I think it makes a useful addition to the bill.

Mr. SCOTT of Virginia. Mr. Chairman, I would incorporate by reference the comments I have made on mandatory minimums, and I think it would apply to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. GIBBONS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. GIBBONS: Page 26, after line 7, insert the following new section (and redesignate succeeding sections, and conform the table of contents, accordingly):

SEC. 134. GAO STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

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

Mr. GIBBONS. Mr. Chairman, our Nation has a solemn responsibility to protect the most innocent among us, our children. The Children's Safety Act of 2005, introduced by our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), will help to ensure that sex offenders are registered properly and that they maintain their registration wherever they reside.

I originally sought to offer an amendment to this important bill that would have required States to ensure that sex offenders are properly registered before they are issued a driver's license and in doing so mandate that their license would have to be renewed every single year. The State of Nevada passed a law earlier this year that does just that.

The purpose of such a requirement is to add another layer of protection for the children and families of our communities. In short, if a sex offender refuses to keep their registration current, which is now a problem facing too many States, then he would be unable

to obtain a legal driver's license. This means that the sex offender is at risk at any time of being caught driving without a license and arrested.

I think that this threat can serve as a useful deterrent and encourage sex offenders to maintain their registration—in fact, improving the registration compliance rate of these offenders.

In a State where over 30 percent of sex offenders are non-compliant and lost in the system, we took these very same steps in Nevada to ensure a greater compliance rate.

We simply must do everything we can to protect our children and prevent sexual crimes against them.

I am proud that Nevada is a leader in this Nation in having modern, efficient computer systems that will allow it to implement this licensing procedure.

Unfortunately, several other States have not yet fully updated their DMV and criminal registry systems.

As a result, concerns have been raised regarding the cost on other States of such a system, and these concerns should be addressed.

In consideration of these concerns, my amendment today will require the GAO to study the feasibility and costs of this driver's license requirement.

This amendment also will require the GAO to study what type of Federal grant program may be needed to assist the States with implementing this requirement.

This study will also seek the opinions and expertise of Federal and State law enforcement to ensure that this additional reform of our sex offender laws assists them in protecting our children.

Finally, my amendment calls on the GAO to study the effectiveness of Nevada's State law so that Congress and this Nation can learn from my State how this system might work on a national level and how we can do a better job in monitoring sex offenders.

Since I think that it is prudent for all States to follow Nevada's lead, I will also introduce stand-alone legislation today that will require States to begin implementing Nevada's driver's license requirement.

However, I understand the importance of ensuring appropriate resources are provided, and will work with Mr. SENSENBRENNER to study this issue so we can move forward in implementing these regulations to protect our children and prevent these horrible crimes.

I look forward to gathering the necessary information and finding a legislative solution that will not put an undue burden on our States, but will ensure the safety of our children.

I want to thank the chairman and his staff for working with me on this issue.

Finally, I want to close by expressing my thanks to George Togliatti, Director of the Nevada Department of Public Safety and to Donna Coleman, member of Demanding Justice for America's Children.

They both have worked tirelessly with my office to ensure that Nevada's children are protected.

Mr. Chairman, I ask my colleagues to support this amendment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, as with the previous amendment,

I believe this amendment also improves the bill, and I would urge support of it.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment and would just point out that this requirement for a driver's license just adds another little "gotcha" for which someone could be subjected to a 5-year mandatory minimum and, therefore, would oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. GIBBONS).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. CONYERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. CONYERS: At the end of title I, add the following new subtitle:

Subtitle C—Children's Safety Office

SEC. 171. ESTABLISHMENT.

There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Children's Safety Office.

SEC. 172. PURPOSE.

The purpose of the Office is to administer the sex offender registration program under subtitle A and to coordinate with other departments, agencies, and offices in preventing sexual abuse of children, prosecuting child sex offenders, and tracking child abusers post-conviction.

SEC. 173. DIRECTOR.

(a) ADVICE AND CONSENT.—At the head of the Office shall be a Director, appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the Attorney General.

(b) QUALIFICATIONS.—The Director shall be appointed from among distinguished individuals who have—

- (1) proven academic, management, and leadership credentials;
- (2) a superior record of achievement; and
- (3) training or expertise in criminal law or the exploitation of children, or both.

(c) DUTIES.—The Director shall have the following duties:

(1) To maintain liaison with the judicial branches of the Federal and State Governments on matters relating to children's safety from sex offenders.

(2) To provide information to the President, the Congress, the Judiciary, State and local governments, and the general public on matters relating to children's safety from sex offenders.

(3) To serve, when requested by the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to children's safety from sex offenders.

(4) To provide technical assistance, coordination, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to sexual assaults against children, including the litigation of civil and criminal actions relating to enforcing such laws; and

(B) other Federal, State, and local agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate sexual assaults against children.

(5) To exercise such other powers and functions as may be vested in the Director pursuant to this or any other Act or by delegation of the Attorney General in accordance with law.

(6) To establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

(7) To oversee—

(A) the grant programs under subtitle A; and

(B) any other grant programs of the Department of Justice to the extent they relate to sexual assaults against children.

SEC. 174. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year for which grants are made under subtitle A, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State or other jurisdiction—

(1) the number of grants made and funds distributed under subtitle A;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and

(4) an evaluation of the effectiveness of programs funded under subtitle A.

SEC. 175. STAFF.

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the responsibilities of the Director.

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 177. NONMONETARY ASSISTANCE.

In addition to the assistance provided under subtitle A, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts consistent with the purposes of this title.

Mr. CONYERS. Mr. Chairman, my amendment creates a national Office of Children's Safety within the Department of Justice, which would be run by a Presidential appointment and would report to the Attorney General. The director's duties would be to track State compliance with new registration requirements in the bill and report back to Congress on their progress. It would coordinate the Federal Government's response to the sexual abuse of minors and provide expertise and resources for the unique crime of child sexual abuse to States, local, and Federal authorities.

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It is important that this amendment, if accepted, be run by someone qualified for the job. The FEMA incident illustrates this part of the provision.

The large number of sexually exploited children in this country is certainly an emergency. That is why I ask my colleagues to support this amendment to ensure our Department of Jus-

tice makes combating the exploitation of children one of its highest priorities.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a constructive addition to the bill. It might need a little fine-tuning regarding the structure of the office, but we can do that in conference. I urge the House to accept the amendment.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his acceptance of the amendment. I would be happy to work on any suggested improvements to the amendment.

I think we have special offices in the Department of Justice concerning Violence Against Women and Cops on the Beat programs, and I think our children deserve no less.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. CONYERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. CONYERS: At the end of title I, add the following new section (and conform the table of contents accordingly):

SEC. 1 ____ . GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

Mr. CONYERS. Mr. Chairman, while there are many different grant programs in the Department of Justice providing resources for initiatives fighting violent or sexual assault, we have not found any that are directly and specifically at local law enforcement's ability to protect children from sexual predators.

This provision takes an important step to make sure that after offenders are prosecuted and released, they are registered and made publicly known. However, it does nothing to prevent the abuse from happening in the first place, nor does it help officers investigate and track down offenders after complaints. So this amendment would not only help fund local sheriff and police units, implementation and enforcement of the registration, but would provide funds to make sure that local units have the resources necessary to pursue child abusers, including additional staff, training of existing personnel, and computers and software necessary to investigate predators who find children over the Internet.

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

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

Mr. SENSENBRENNER. Mr. Chairman, this amendment sounds good to me, and I am happy to accept this amendment as well.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his consideration.

There are few needs as pressing as the importance of stopping the sexual abuse of children, and I appreciate the fact that we are providing special grant programs for prescription drug abuse, telemarketing fraud; and now we can find a way to fund programs to protect the most vulnerable in our society, our children. I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. POE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. POE:

At the end of title I, add the following new section (and amend the table of contents accordingly):

SEC. ____ . EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding

offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—

(1) \$1,000,000 to carry out subsection (a); and

(2) \$2,000,000 to carry out subsection (b).

Mr. POE. Mr. Chairman, I rise today with my colleague, the gentleman from California (Mr. SCHIFF), to offer this training technology amendment.

The training and technology amendment addresses several key issues for law enforcement throughout the country when dealing with Internet crime against children. These crimes committed against children on the Internet are facilitated by the latest technologies and advances in computers and the Internet.

Without properly equipping law enforcement, these cases will not be investigated and prosecuted effectively, allowing many predators to slip through the cracks in our criminal justice system. Furthermore, many cases involving exploitation and enticement of children on the Internet cross jurisdictional lines and even international boundaries. There is a great need for law enforcement prosecutors and investigators to have the ability to share information quickly as cases unfold.

To address these needs, the training and technology amendment funds the Department of Justice \$3 million to do two things:

(1) Train law enforcement to use the most up to date technology while investigating and collecting evidence from a suspected internet predator—for example, recovering files from hard drives of suspected child pornographers.

(2) Provide hardware and training to use software that Microsoft is developing and donating to the Department of Justice. A similar project has successfully been implemented in Canada. The software would link Office of Juvenile Justice and Delinquency Preventions' 46 regional Internet Crimes Against Children Units with one database. This will allow law enforcement across the country and even internationally to work together and share information on cases that cross jurisdictions.

In order for the Child Safety Act to be successfully implemented, law enforcement must be equipped and trained to meet the challenges of investigating cases involving ad-

vanced technological tools. I urge my colleagues to support this important amendment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I believe the gentleman has an instructive amendment, and I am prepared to support it.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

I join in support of the amendment. It is money that will be extremely well spent and actually deals with the problem. I thank the gentleman for introducing the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. INGLIS of South Carolina:

Page 27, line 7, strike "not less than 5 years nor".

Page 27, lines 17 through 18, strike "not less than 5 years nor".

Mr. INGLIS of South Carolina. Mr. Chairman, I rise in support of the bill, but hopeful that we can make it even a little bit better. The thrust of the bill is clearly a good idea. We need a national registration for sex offenders. We need to make it with teeth, and that is why I support the underlying bill.

There is, however, this issue of mandatory minimums in the bill. I am a member of the Committee on the Judiciary, and I have said there that I am more uncomfortable than ever with our use of mandatory minimums. We have a coherent system of sentencing called the sentencing guidelines. We have people who thought very carefully about how it would be that rape, for example, would compare with bank robbery and how that would compare with cashing bad checks, and so they came up with a system.

Into that system have come some reactions from Congress to particularly heinous crimes. The result is sort of a patchwork of mandatory minimums that disrupt the coherent system established by the sentencing guidelines. So here today we have a bill before us that has a particularly dangerous mandatory minimum when it comes to the situation of someone failing to register.

Now, I think it is pretty confusing when you move from State to State. In fact, it is quite often the case that you send your possessions on ahead in a moving van; and the question is when did you move from California to Ohio, was it when the moving van got there, or was it when you took the first flight from California to Ohio, but then you

returned to California to get the rest of your possessions and drove back. When did you move to Ohio?

Under this bill as it is right now, if you fail to register, you have a mandatory minimum. I think the mandatory minimum in this case is particularly inappropriate. In fact, Mr. Chairman, it is a 5-year mandatory minimum. So the hypothetical I just posed of somebody moving from California to Ohio, the moving truck is there, they fly out twice to Ohio, and finally they are moved, if they do not register in a timely fashion, and it is a very brief time they have to register, then what happens is they must go off to jail for 5 years. This is somebody who has not committed another offense. If they commit another offense, there are mandatory minimums that handle that.

This is a failing to register, which is an important thing. It is very important that we register, but it seems to me that this is a classic case of where we should give judges discretion within the sentencing guidelines to deal with exactly the hypothetical I have just described. Let the judge decide, well, the person actually did move to Ohio on that second trip and when they moved, they failed to register. But maybe they had an appendectomy. If they did, give them some time, give them some grace because they were clearly attempting to comply with the law.

On the other hand, the judge could hear this person was not attempting to comply with the law. They were flouting the layout; and if they were, he gives them some time.

The amendment here would simply strike the 5-year minimum and make it so that it could be up to a maximum of 20 years. So a judge could still send the flagrant violator, the person who has failed to register, off to jail for a good long time because registration is crucial to the underlying nature of this bill.

So I support the bill, and I hope that we can improve it by eliminating what could be manifest injustice with a mandatory minimum that is unchangeable by a judge, a judge who can see the circumstances. Of course that requires some trust in the judges, but I am thinking we can do that. At least in South Carolina, we have good judges, judges who make decisions that seem to be consistent with the spirit of this law.

If jurisdictions have judges who do not do that, perhaps there should be some pressure brought to bear on these judges and, in fact, impeachments if those judges consistently violate the sentencing guidelines. But let us let the system work; let us let the Constitution work and respect the judiciary and respect the competence of the people that the U.S. Senate confirms. We have a confirmation hearing going on right now where we are confirming, I hope, somebody who is clearly a capable jurist. When he is on that Court, we

should defer to him because he is a co-equal branch of the Federal Government.

So my amendment is very simple. It strikes the mandatory minimum in the case of failing to register. I hope my colleagues will support it.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment deletes the 5-year mandatory minimum sentence for a sex offender who crosses State lines to fail to register in the new State and also deletes the 5-year mandatory minimum for making false statements in a sexual abuse investigation.

Let me say that the whole issue of the sentencing guidelines has been a very vexatious one. Earlier this year, the Supreme Court decided two cases that made the sentencing guidelines only advisory, rather than mandatory. So if this amendment is adopted, judges will be given the power to place on probation those who were convicted of not registering in a new State or making a false statement to law enforcement relative to a sexual abuse investigation.

I do not think that probation is advisable in these instances, and that is why this amendment should be defeated.

The most significant enforcement issue that exists today in the sex offender program is that over 100,000 sex offenders, or nearly one-fifth in the Nation, are "missing," meaning they have not complied with the sex offender registration requirements. This typically occurs when the sex offenders move from one State to another.

To ensure compliance with the registration requirements, States are required to inform the sex offender of his or her obligations and obtain a signed form indicating he or she understands those obligations and will comply with them. In order to address the problem of the missing sex offenders, that is, those who fail to comply with moving from one State to another, sex offenders will now face Federal prosecution with a mandatory minimum of 5 years.

The combination of incentives for the sex offender to comply and stiff criminal penalties and additional law enforcement resources to focus on this problem should help address the overwhelming number of noncomplying or "missing" sex offenders in our community.

The 5-year mandatory minimum penalty is a critical component of this new enforcement scheme, and this amendment punches a hole in that enforcement scheme and allows a loophole to have the current situation continue to fester. The mandatory minimum applies for a knowing violation that will help ensure that sex offenders comply with all registration requirements.

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Never again should our communities have to suffer from the fear of uniden-

tified sex offenders in their communities, their schools, and their youth organizations.

Similarly, the 5-year mandatory minimum for false statements made during a sexual abuse investigation is critical. The facts surrounding the Jessica Lunsford case in Florida demonstrate that time is of the essence and false statements can make the difference between life and death of a missing child.

In the Lunsford case, three witnesses knew that John Couey, the alleged rapist and murderer of 9-year-old Jessica Lunsford, was living within 150 yards of Jessica's house but failed to tell investigators. If they had told the truth, maybe, just maybe, Jessica Lunsford would be alive today.

A 5-year mandatory minimum penalty would ensure truthful and full cooperation by witnesses in such investigations. It is an important policy goal, and these penalties send a strong deterrent message.

I strongly urge opposition to this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment eliminates the 5-year mandatory minimum for failing to properly register and the 5-year mandatory minimum for falsifying registration information, with the possibility still of 20 years.

The amendment keeps the 20-year maximum for both crimes and leaves it to the Sentencing Commission and the courts to determine the gradations of seriousness and the punishment for violations based on the facts and circumstances of the violation.

It is absurd that misdemeanants and other minor offenders who get a suspended sentence for a crime that was committed 15 years ago could get a 5-year mandatory minimum sentence for a technical violation of a registration requirement such as showing up at 5:30 on the last day of registration when the office closed at 5 o'clock or failing to register the fact that they are in a community college that has different sites. Do they have to register everywhere they might take a class or just the main registration place for the community college? Or if they work in construction, if they register at the home office of the construction company, do they also have to register at each location where they are doing construction? If they guess wrong, 5 years mandatory minimum, no discretion on the part of the judge.

Are our children going to be safer or less safe if an offender knows that he is in technical violation? If he shows up to register after he has been in technical violation, he knows he is looking at a 5-year mandatory minimum. Is he going to show up or not?

Mr. Chairman, it is also absurd that an offender would be sentenced to a minimum 5 years for giving a technically false statement regarding this registration when, under the same section of the law, there is a maximum of 8 years, no minimum sentence, for ei-

ther making a false statement in connection with international or domestic terrorism. A false statement on terrorism, 8 years maximum, no minimum; technical violation on registration, 5 years mandatory minimum, 20 years possibility.

Again, this amendment retains the 20-year maximum for cases such as those cited by the chairman, but it allows common sense in determining which offenders would get what sentence for what violations.

We have been told by the Sentencing Commission and the Judicial Conference time and time again that mandatory minimum sentences violate common sense. For someone who deserves the time, the mandatory minimum has no effect because they will get the time. For those who do not deserve the time, that violates common sense. They will get that time anyway.

In everyday experiences judges can see differences, great and small, in the facts and circumstances in the cases before them. The name of the crime is often a poor indicator of the facts and circumstances of the crime. So it makes sense to have a rational assessment by one who has heard and seen the evidence and facts and circumstances of the case making the appropriate decision within the guidelines set by the Sentencing Commission relating to the gradations in seriousness of the crime and the other characteristics. That is why we set up the Sentencing Reform Act that set up the Sentencing Commission, and these mandatory minimums obviously violate that entire system.

Of course, under the Federal system, the ones who will primarily be affected will be Native Americans because they try all their cases in Federal courts; and it is unfair to them and unfair to common sense where identical offenses can be committed, one by a Native American, another a few miles away, the same crime and vastly different sentences because the Native American is stuck in Federal court with the 5-year mandatory minimum. These mandatory minimums violate common sense, and so I am delighted to join the gentleman from South Carolina in this amendment and hope our colleagues will support it.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose this amendment.

Sex offenders are the worst in our society. They prey on our children as if they were cattle. The idea that they will voluntarily register needs to be thrown out the window because they simply will not.

Time and time again we have seen experiences where these people realize that the microscope of society is upon them. So they move and they try to relocate into other communities. Our States, our 50 States, many are border States whereby if they are in Tallahassee, Florida, it is very easy to go to Valdosta, Georgia, very easy to get a new job and a new occupation.

That has been the problem with the laws. We cannot properly track these offenders. We cannot follow their whereabouts. And if we do not have a strict punishment on them, they simply will continue to move about the country and prey on vulnerable children in other States.

For God's sake, if I come to Washington, D.C., and want to get a Blockbuster movie, I have to get a new registration card. I have to put down my credit card, my driver's license to rent a movie. And if I fail to return the movie, they charge me for the movie. There are penalties for violating simple rules of video rentals, and my colleagues would have us believe, oh, let us not be too harsh on these people.

Jessica Lunsford was buried in a garbage bag by a known sex offender who failed to register. Oh, let us not give him a 5-year minimum mandatory. Let us not inconvenience him, John Couey. Let us not cause any unnecessary paperwork for John Couey, while Jessica Lunsford is in a plastic garbage bag.

We have to have a driver's license in the State in which we live. We have to have a license tag in the State in which we reside. It takes us 48 hours to get our cable installed. But, God, no, let us not inconvenience by mandatory punishment if a sex offender fails to report.

They are instructed before they are released of the obligations of their sentencing. They are told they must report in the new State. They are given adequate warning. For far too long we have opened up our jails and said hope you are better and then lost track of them. I said it before, we track library books better than we do these criminals, and it is time we balance the scale of justice in favor of our children.

Mr. INGLIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, I agree exactly with what the gentleman just said, and that is why I am voting for the underlying bill.

But the gentleman said earlier that this is some kind of voluntary registration. There is nothing voluntary about this. We, in strong action here, are requiring exactly the person he just described to register, and we say to them they must register within the prescribed period. There is no voluntary nature to that. That is a strong and good law. That is what we are doing here.

The question is whether we can trust the sentencing guidelines and the Sentencing Commission and Federal judges to come up with a system to figure out whether that person that the gentleman is describing, flagrantly violating it, should go off for 20 years as opposed to the hypothetical that I posed as somebody in confusion about when exactly they moved, let us say, from California to Florida, as to whether that case deserves a mandatory minimum of 5 years.

Because what we are doing here, if this amendment fails, is tying the hands of that judge in Ohio such that he must or she must send the person off for 5 years if there was confusion about when and how they moved to the State of Ohio. It may be somebody who did not flagrantly violate. It was just confusion as to when they moved. And if we have sentencing guidelines and judges that follow those guidelines, if they do not, put pressure on them and then impeach them.

Mr. FOLEY. Mr. Chairman, reclaiming my time, I wish the perpetrator would have thought about the penalties before they committed the crime. The minimum mandatory may tie the hands of judges, but it will, in fact, tie the hands of the predator. They know full well before they are released what the requirements are, and if there is confusion, it is the perpetrator's fault. I do not want it to be relied upon the victim to say the victim should have known he may have been a perpetrator but we were not registered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. INGLIS).

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

Mr. INGLIS of South Carolina. 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 South Carolina (Mr. INGLIS) will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to offer amendment No. 23 at this time.

The CHAIRMAN. Is there objection to the consideration of the gentleman's amendment at this point? The amendment is in title III.

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. CONYERS:
At the end of title III insert the following:
SEC. 304. STATISTICS.

(a) COVERAGE.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender," before "or ethnicity".

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting "including data about crimes committed by and directed against juveniles" after "data acquired under this section".

Mr. CONYERS. Mr. Chairman, I offer this amendment to the bill to address a blight on our society, the scourge of hate violence. Because, currently, we lack sufficient data to assist in determining how to address bias crime directed toward children. This amendment would correct that oversight.

For the year 2003, for example, the most recent available data, the FBI compiled reports from law enforcement agencies across the country identifying

7,489 criminal incidents that were motivated by an offender's irrational antagonism towards some personal attribute associated with the victim.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I am prepared to accept this amendment.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I thank the chairman for accepting the amendment.

Law enforcement agencies have identified 9,100 victims arising from 8,715 separate criminal offenses. FBI data has also revealed that a disproportionately high percentage of both the victims and the perpetrators of hate violence were children, young people under 18 years of age.

The FBI's annual Hate Crime Statistics Act report provides the best snapshot of the magnitude of the hate violence problem in America. However, there is a paucity of regularly published information about juvenile hate crime offenses because the statute does not require data analysis for gender or juvenile categories.

This is an important omission, as indicated by a special DOJ report on the subject in 2001. This report, which carefully analyzed nearly 3,000 of the 24,000 hate crimes to the FBI from 1997 to 1999, revealed that a disproportionately high percentage of both the victims and the perpetrators of hate violence were young people under 18 years of age. For example: 30 percent of all victims of bias-motivated aggravated assaults and 34 percent of the victims of simple assault were under 18.

As we address legislation for the protection of children, we should utilize the full extent of Federal resources and data collection plays an important role. I hope that this amend will find broad support so that we can work to eliminate hate violence directed against young people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—DNA FINGERPRINTING

SEC. 201. SHORT TITLE.

This title may be cited as the "DNA Fingerprinting Act of 2005".

SEC. 202. EXPANDING USE OF DNA TO IDENTIFY AND PROSECUTE SEX OFFENDERS.

(a) EXPANSION OF NATIONAL DNA INDEX SYSTEM.—Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking " , provided" and all that follows through "System"; and

(2) by striking subsections (d) and (e).

(b) DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.—

(1) IN GENERAL.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended

(A) in subsection (a)—

(i) in paragraph (1), by striking "The Director" and inserting the following:

"(A) The Attorney General may, as provided by the Attorney General by regulation, collect DNA samples from individuals who are arrested,

detained, or convicted under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

“(B) The Director”; and

(ii) in paragraphs (3) and (4), by striking “Director of the Bureau of Prisons” each place it appears and inserting “Attorney General, the Director of the Bureau of Prisons,”; and

(B) in subsection (b), by striking “Director of the Bureau of Prisons” and inserting “Attorney General, the Director of the Bureau of Prisons,”.

(2) CONFORMING AMENDMENT.—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting “and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)” after “period of release”.

(c) TOLLING OF STATUTE OF LIMITATIONS IN SEXUAL ABUSE CASES.—Section 3297 of title 18, United States Code, is amended by striking “except for a felony offense under chapter 109A.”.

SEC. 203. STOPPING VIOLENT PREDATORS AGAINST CHILDREN.

In carrying out Acts of Congress relating to DNA databases, the Attorney General shall give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

SEC. 204. MODEL CODE ON INVESTIGATING MISSING PERSONS AND DEATHS.

(a) MODEL CODE REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish a model code setting forth procedures to be followed by law enforcement officers when investigating a missing person or a death. The procedures shall include the use of DNA analysis to help locate missing persons and to help identify human remains.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each State should, not later than 1 year after the date on which the Attorney General publishes the model code, enact laws implementing the model code.

(c) GAO STUDY.—Not later than 2 years after the date on which the Attorney General publishes the model code, the Comptroller General shall submit to Congress a report on the extent to which States have implemented the model code. The report shall, for each State—

(1) describe the extent to which the State has implemented the model code; and

(2) to the extent the State has not implemented the model code, describe the reasons why the State has not done so.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SCOTT of Virginia. Mr. Chairman, are we in title III?

The CHAIRMAN. The Clerk just designated title II.

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

SEC. 301. SHORT TITLE.

This title may be cited as the “Prevention and Deterrence of Crimes Against Children Act of 2005”.

SEC. 302. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) SPECIAL SENTENCING RULE.—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

“(d) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a felony crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

“(1) if the crime of violence results in the death of a person who has not attained the age of 18 years, be sentenced to death or life in prison;

“(2) if the crime of violence is kidnapping, aggravated sexual abuse, sexual abuse, or maiming, or results in serious bodily injury (as defined in section 2119(2)) be imprisoned for life or any term of years not less than 30;

“(3) if the crime of violence results in bodily injury (as defined in section 1365) or is an offense under paragraphs (1), (2), or (5) of section 224(a), be imprisoned for life or for any term of years not less than 20;

“(4) if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 15; and

“(5) in any other case, be imprisoned for life or for any term of years not less than 10.”.

SEC. 303. ENSURING FAIR AND EXPEDITIOUS FEDERAL COLLATERAL REVIEW OF CONVICTIONS FOR KILLING A CHILD.

(a) LIMITS ON CASES.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j)(1) A court, justice, or judge shall not have jurisdiction to consider any claim relating to the judgment or sentence in an application described under paragraph (2), unless the applicant shows that the claim qualifies for consideration on the grounds described in subsection (e)(2). Any such application that is presented to a court, justice, or judge other than a district court shall be transferred to the appropriate district court for consideration or dismissal in conformity with this subsection, except that a court of appeals panel must authorize any second or successive application in conformity with section 2244 before any consideration by the district court.

“(2) This subsection applies to an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of an individual who has not attained the age of 18 years.

“(3) For an application described in paragraph (2), the following requirements shall apply in the district court:

“(A) Any motion by either party for an evidentiary hearing shall be filed and served not later than 90 days after the State files its answer or, if no timely answer is filed, the date on which such answer is due.

“(B) Any motion for an evidentiary hearing shall be granted or denied not later than 30 days after the date on which the party opposing such motion files a pleading in opposition to such motion or, if no timely pleading in opposition is filed, the date on which such pleading in opposition is due.

“(C) Any evidentiary hearing shall be—

“(i) convened not less than 60 days after the order granting such hearing; and

“(ii) completed not more than 150 days after the order granting such hearing.

“(D) A district court shall enter a final order, granting or denying the application for a writ of habeas corpus, not later than 15 months after the date on which the State files its answer or, if no timely answer is filed, the date on which such answer is due, or not later than 60 days after the case is submitted for decision, whichever is earlier.

“(E) If the district court fails to comply with the requirements of this paragraph, the State may petition the court of appeals for a writ of mandamus to enforce the requirements. The court of appeals shall grant or deny the petition for a writ of mandamus not later than 30 days after such petition is filed with the court.

“(4) For an application described in paragraph (2), the following requirements shall apply in the court of appeals:

“(A) A timely filed notice of appeal from an order issuing a writ of habeas corpus shall operate as a stay of that order pending final disposition of the appeal.

“(B) The court of appeals shall decide the appeal from an order granting or denying a writ of habeas corpus—

“(i) not later than 120 days after the date on which the brief of the appellee is filed or, if no timely brief is filed, the date on which such brief is due; or

“(ii) if a cross-appeal is filed, not later than 120 days after the date on which the appellant files a brief in response to the issues presented by the cross-appeal or, if no timely brief is filed, the date on which such brief is due.

“(C)(i) Following a decision by a panel of the court of appeals under subparagraph (B), a petition for panel rehearing is not allowed, but rehearing by the court of appeals en banc may be requested. The court of appeals shall decide whether to grant a petition for rehearing en banc not later than 30 days after the date on which the petition is filed, unless a response is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the response is filed or, if no timely response is filed, the date on which the response is due.

“(ii) If rehearing en banc is granted, the court of appeals shall make a final determination of the appeal not later than 120 days after the date on which the order granting rehearing en banc is entered.

“(D) If the court of appeals fails to comply with the requirements of this paragraph, the State may petition the Supreme Court or a justice thereof for a writ of mandamus to enforce the requirements.

“(5)(A) The time limitations under paragraphs (3) and (4) shall apply to an initial application described in paragraph (2), any second or successive application described in paragraph (2), and any redetermination of an application described in paragraph (2) or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings.

“(B) In proceedings following remand in the district court, time limits running from the time the State files its answer under paragraph (3) shall run from the date the remand is ordered if further briefing is not required in the district court. If there is further briefing following remand in the district court, such time limits shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, the date on which such brief is due.

“(C) In proceedings following remand in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date the remand is ordered if further briefing is not required in the court of appeals. If there is further briefing in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, from the date on which such brief is due.

“(6) The failure of a court to meet or comply with a time limitation under this subsection shall not be a ground for granting relief from a judgment of conviction or sentence, nor shall the time limitations under this subsection be construed to entitle a capital applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.”.

(b) VICTIMS’ RIGHTS IN HABEAS CASES.—Section 3771(b) of title 18, United States Code, is

amended by adding at the end the following: "The rights established for crime victims by this section shall also be extended in a Federal habeas corpus proceeding arising out of a State conviction to victims of the State offense at issue."

(c) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendment made by this section apply to cases pending on the date of the enactment of this Act as well as to cases commenced on and after that date.

(2) SPECIAL RULE FOR TIME LIMITS.—In a case pending on the date of the enactment of this Act, if the amendment made by subsection (a) provides that a time limit runs from an event or time that has occurred before that date, the time limit shall instead run from that date.

AMENDMENT NO. 14 OFFERED BY MR. BAIRD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BAIRD:

Add at the end of title III the following:

SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) STUDY.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to the Congress the results of the study under this section.

Mr. BAIRD. Mr. Chairman, this is a commonsense amendment designed to address a problem that most people are unaware of but I believe adversely affects thousands of children across this country.

Every week, child protective agencies throughout the U.S. receive more than 50,000 reports of suspected child abuse or neglect. A total of 2.6 million reports were filed in 2002. In approximately two-thirds of these cases there is sufficient evidence to prompt an assessment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I think this study is a good idea. I believe that child abusers should be tracked the same way as sex offenders.

If the gentleman is prepared to yield back, I will be happy to accept his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BAIRD).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PORTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PORTER:

At the end of title III of the bill, insert the following (and make such conforming changes to the table of contents as may be necessary):

SEC. 304. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational agency, or to another person authorized by law to receive that information.

(c) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(d) DEFINITION.—In this section, the terms "local educational agency" and "State educational agency" have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

□ 1330

Mr. PORTER. Mr. Chairman, again, I appreciate the opportunity to speak on this great bill today, but I think we can add a few things.

We send our children off to school every day and we trust that our teachers are the best and the safest and the best trained in the country. Unfortunately, there are a small few, a number of teachers across this country who are slipping between the cracks. In the State of Nevada, we hire about 1,400 to 2,000 new teachers a year. Unfortunately, some States are not able to share information regarding the criminal activity of these particular teachers.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I will make the same offer I have made to others. This is a great amendment, and we are happy to accept it.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Wisconsin.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. PORTER).

The amendment was agreed to.

AMENDMENTS NO. 4 AND 7 OFFERED BY MR.

SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer amendments 4 and 7, which

unanimous consent was granted to consider at this point.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 4 offered by Mr. SCOTT of Virginia:

Page 31, line 17, strike "not less than 10".

Page 43, line 10, strike paragraph (1) and redesignate succeeding paragraphs accordingly.

Page 44, beginning on line 5, strike "not less than 10 years and".

Page 45, line 8, strike subparagraph (A) and redesignate succeeding subparagraphs accordingly.

Page 45, line 11, strike the semicolon and insert "; and".

Page 45, line 18, strike the semicolon and insert a period.

Page 45, strike line 19 through line 6 on page 46.

Page 46, strike line 18 and all that follows through line 8 on page 47.

Page 47, line 4, strike the semicolon and insert "; and".

Page 47, line 5, strike "; and" and insert a period.

Page 47, starting on line 6, strike clause (iii) (c) and all that follows through line 13 on page 49.

Page 55, strike section 504 and all that follows through line 22 on page 57, and redesignate succeeding sections accordingly.

Page 68, line 21, strike the semicolon and insert "; and".

Page 68, strike lines 22 through 23.

Page 69, strike lines 8 through 11.

Amendment No. 7 offered by Mr. SCOTT of Virginia:

Amendment No. 7: Strike section 302. Redesignate any succeeding sections accordingly.

Page 44, strike line 10 and all that follows through line 2 on page 11.

Mr. SCOTT of Virginia. Mr. Chairman, these amendments eliminate section 302 from the bill. Section 302 is extremely problematic.

First of all, it includes a death penalty that applies to unintentional deaths. That raises severe constitutional problems that you could be put to death for an unintentional act. We already have penalties for the death penalty for intentional acts. This would add unintentional acts.

Over 100 people have been totally exonerated or otherwise released from death row due to erroneous death penalties, and one study showed that 68 of death penalties were overturned as illegal. That does not include the ones where mistakes were made for which the error was so-called "harmless." Other studies have shown that death penalties have been discriminatory against minorities, either affecting the consideration, undue consideration of the race of the defendant or the race of the victim.

We, a few years ago, passed the Innocence Protection Act, which provides for effective counsel and case development to be well-funded, but we have not fully funded that Innocence Protection Act, so until it is fully funded, we should not be passing more death penalties.

In addition, section 302 includes mandatory minimums. Let us see what

these mandatory minimums are for. Any felonious attack on someone under 18 years of age. That would include a schoolyard brawl which gets bad enough when they start throwing chairs at each other or something like that. If there is no injury in that situation, that is a 10-year mandatory minimum. If a dangerous weapon, whatever that means, is used, then you get 15 years, if there is no injury. Now, if there is actually an injury, then the mandatory minimum for this brawl for teenagers fighting teenagers would be 20 years; and if the crime of violence is a more serious offense, then 30 years mandatory minimum.

Starting with 10 years mandatory minimum for a schoolyard brawl, Mr. Chairman, is why these mandatory minimums make no sense. If the felony has been committed, maybe they should be sentenced to 10 years, maybe 20 years. This says no less than 10 years, even if there is no injury.

I would hope, Mr. Chairman, as we consider mandatory minimums that we would look at this as being excessive. Give the judge the discretion to apply a sentence that makes sense. But to have a mandatory minimum to apply in situations where no injury has occurred, no dangerous weapon was involved, 10 years mandatory minimum for teenagers having a fight, this just does not make any sense at all. If an injury actually occurs, it is actually 20 years mandatory minimum.

I would hope we would eliminate the entire section 302 to eliminate those mandatory minimums. There are plenty of provisions throughout this bill and throughout the Criminal Code to deal with people who deserve this kind of time, but to have a mandatory minimum in cases where no injury occurred is clearly excessive to be applied in all cases without discretion, whether it makes any sense or not.

We need to remove this section, and I hope that is what we do by adopting the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, the gentleman from Virginia's opposition to both mandatory minimum penalties and the death penalty is well-known and respected. I believe in this case he is wrong.

First of all, we do need to have a swift and effective death penalty in the case of violent offenders who murder children. There have been several scientifically balanced, statistical studies that consistently show that the death penalty is a deterrent; and I think that if it is just a little bit of a deterrent when we are dealing with our kids, that is enough to say that the amendment should be defeated.

Secondly, we have talked quite a bit about mandatory minimum penalties in the context of the previous amendment that was offered by the gentleman from South Carolina (Mr. INGLIS). Let me say that if all mandatory minimum penalties contained in this

bill for sexual abuse and exploitation of children are eliminated, it does allow judges to send out into society on probation people who have been convicted of sex offenses for or against children. When I think of anybody who does something like that, we should tell society and those who might be thinking of committing such a crime that if you do the crime, you are sure to do some time.

I kind of listened with interest and with respect to the argument of the gentleman from South Carolina (Mr. INGLIS) on mandatory minimums in the previously debated amendment. He says that if judges do not comply with sentencing guidelines, then maybe what Congress should do is impeach them.

Impeachment is a severe penalty, and if you look at the 17 impeachments that the House of Representatives has voted on in its history, the only time where there has been an impeachment voted is when a Federal civilian official ends up conducting himself or herself in a manner that obstructs the functioning of government, whether it is the branch that that official serves in or the other two equal and separate branches.

Simply saying that if a judge makes a discretionary call to give a child sex offender probation even when the crime is terrible is an impeachable offense I do not think comports with the history of impeachment, because it is within the discretion of the court.

I am saying that, in this case, the discretion of the court should be eliminated and those who are convicted should go to jail, and that is why the mandatory minimums ought to stay in this bill.

Mr. Chairman, I urge the defeat of this amendment en bloc.

The Acting CHAIRMAN (Mr. SWEENEY). The question is on the amendments offered by the gentleman from Virginia (Mr. SCOTT).

The amendments were rejected.

AMENDMENT NO. 13 OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. FLAKE:
Page 42, line 6, strike the close quotation mark and the period that follows.

Page 42, after line 6, insert the following:
“(k) SENTENCING CLAIMS.—A court, justice, or judge shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.”.

Mr. FLAKE. Mr. Chairman, this amendment will reduce the backlog and delay of the Federal courts' dockets by limiting harmless error sen-

tencing claims. These are claims in which the Federal court is asked to review alleged errors in death penalty cases in State court that were either procedurally defaulted, in which the defendant failed to present the claim in State court; or, two, that already have been reviewed by the State courts and have been determined to be harmless and that only relate to the prisoner's sentencing, not the portion of the trial that determines guilt or innocence.

Under this amendment, fact-intensive and time-consuming “harmless error sentencing claims” will be reviewed again in Federal court only if the State court erred in determining that the claim was subject to harmless review.

An example of how this impacts victims of child abusers was raised at the House Committee on the Judiciary Subcommittee on Crime hearing by Ms. Carol Fornoff, whose 13-year-old daughter was raped and murdered in Tempe, Arizona, in 1984. The evidence of the guilt of the man convicted in killing her daughter was overwhelming. Yet, today, 21 years after Christy Ann Fornoff was murdered, the gentleman is still litigating his habeas appeals.

Mr. Chairman, this amendment will reduce the backlog and delay of the Federal courts' dockets by limiting harmless-error sentencing claims.

These are claims in which the Federal court is asked to review alleged errors in death penalty cases in State court that were either (1) procedurally defaulted—in which the defendant failed to present the claim in state court, or (2) that already have been reviewed by State courts and have been determined to be harmless, and (3) that only relate to the prisoner's sentencing—not to the portion of the trial that determines guilt or innocence.

Under this amendment, fact-intensive and time-consuming “harmless-error sentencing claims” will be reviewed again in Federal court only if the State court erred in determining that the claim was subject to harmless review.

An example of how this impacts victims of child abusers was raised at a House Judiciary Crime Subcommittee hearing by Mrs. Carol Fornoff, whose 13-year-old daughter was raped and murdered in Tempe, Arizona in 1984.

The evidence of the guilt of the man convicted of killing her daughter is overwhelming, yet today—21 years after Christy Ann Fornoff was murdered—the defendant still is litigating his habeas appeals in the Federal courts.

Mrs. Fornoff's testimony raised important questions. There needs to be some limit, some end to the process in these cases.

After 9 years under the Anti-Terrorism and Effective Death Penalty Act of 1996 or “AEDPA” (Ay-Depa), it is clear that the Act did not eliminate or even reduce the problem of delay in the Federal habeas process.

As evidenced by testimony in the Senate Judiciary Committee, in my home state of Arizona, 63 capital cases have been filed and remain pending since the effective date of the AEDPA (Ay-Depa).

Of those cases, only one has advanced to the Ninth Circuit, where it has remained pending for the past 5 years.

Thirteen pre-AEDPA (Ay-Depa) cases remain pending in Federal court; five of those cases have been in Federal court longer than 15 years; the others range in time from 9 years to 14 years. This is unacceptable.

The current system is grossly unfair to crime victims and their families. While defendants always should be allowed to litigate meaningful evidence of their innocence, we also should not allow endless appeals to become routine.

We need to protect innocent defendants, and we also need to allow victims and their families closure on these crimes.

Let me be clear that fundamental sentencing errors, and all guilt-phase errors, still would be subject to a second round of review in Federal court under this amendment.

Also, this amendment does not in any way limit the State courts' review of State criminal convictions, nor does it affect the U.S. Supreme Court's review of either a defendant's direct appeals or State-habeas petitions.

The amendment only limits the Federal habeas review that begins in the lower Federal courts after all State appeals and U.S. Supreme Court certiorari review are completed. Congress unquestionably has the authority to limit such review.

Deference to State courts is appropriate in this context, since these courts are closer to the trial and will have a better sense of what facts are likely to influence local juries.

This section merely precludes a repeat of this process at the Federal level for minor errors that are not related to guilt of the underlying offense, and that already have had an opportunity for review in State courts.

I urge my colleagues to adopt this amendment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I will make the same offer on this amendment. I am prepared to accept it if the gentleman will yield back his time.

Mr. FLAKE. Mr. Chairman, that is too good an offer to turn down.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the language in the bill is bad enough. This just makes it worse. We should eliminate the section of the bill where the bill already severely restricts the right of those convicted of sex offenses from their access to appeal.

Many who have been exonerated through DNA or other evidence have been exonerated and released due to their access to habeas corpus petitions. Restricting access to habeas will result in more innocent people being put to death or languishing in jail for crimes they did not commit.

We have a serious question, Mr. Chairman, as to whether guilty people are entitled a fair trial. If you have a person who is not suggesting that they are actually innocent, but they just did not get a fair trial, they do not have access to habeas corpus anyway. An allegation of innocence is a prerequisite to getting into habeas corpus petitions anyway. This is just going to make it worse, and more innocent people will

be in jail. I would hope we would not adopt the amendment to make it worse.

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

Mr. SCOTT of Virginia. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I would simply point out that this applies only to the sentencing portion of the hearing or the sentencing portion of the trial, not the guilt or innocent phase. We are not limiting habeas corpus at all on that phase.

Mr. SCOTT of Virginia. Mr. Chairman, if you are going to have any review, I think it ought to be a full review: sentencing, conviction, and otherwise. I would hope that we would not make the bill any worse than it is, and the underlying provision is bad enough.

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

The amendment was agreed to.

The Acting CHAIRMAN. Are there any further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN ACT OF 2005

SEC. 401. SHORT TITLE.

This title may be cited as the "Protection Against Sexual Exploitation of Children Act of 2005".

SEC. 402. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking "or", imprisoned for any term of years or life, or both." and inserting "and imprisoned for not less than 30 years or for life."

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "subsection (a) or (b) of" before "section 2241";

(ii) by striking "or" at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting "or"; and

(iv) by inserting after paragraph (4) the following:

"(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for not less than 10 years and not more than 25 years.";

and

(B) in subsection (c), by inserting "(other than subsection (a)(5))" after "violates this section".

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by inserting "chapter 110, chapter 117, or section 1591" after "this chapter";

(B) by striking "A person" and inserting "(a) IN GENERAL.—A person"; and

(C) by adding at the end the following:

"(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, chapter 110, chapter 117, or section 1591 engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisoned for not less than 30 years or for life."

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting "section 2245 (sexual

abuse resulting in death)," after "(wrecking trains)".

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by striking "15 years nor more than 30 years" and inserting "25 years or for life";

(B) by inserting "section 1591," after "this chapter," the first place it appears;

(C) by striking "the sexual exploitation of children" the first place it appears and inserting "aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography";

(D) by striking "not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life." and inserting "life"; and

(E) by striking "any term of years or for life" and inserting "not less than 30 years or for life".

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "paragraphs (1)" and inserting "paragraph (1)";

(ii) by inserting "section 1591," after "this chapter,";

(iii) by inserting "or sex trafficking of children" after "pornography";

(iv) by striking "5 years and not more than 20 years" and inserting "25 years or for life"; and

(v) by striking "not less than 15 years nor more than 40 years." and inserting "life."; and

(B) in paragraph (2)—

(i) by striking "or imprisoned not more than 10 years" and inserting "and imprisoned for not less than 10 nor more than 30 years";

(ii) by striking "or both"; and

(iii) by striking "10 years nor more than 20 years." and inserting "30 years or for life."

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by inserting "section 1591," after "this chapter,";

(ii) by inserting "or sex trafficking of children" after "pornography";

(iii) by striking "5 years and not more than 20 years" and inserting "25 years or for life"; and

(iv) by striking "not less than 15 years nor more than 40 years" and inserting "life"; and

(B) in paragraph (2)—

(i) by striking "or imprisoned not more than 10 years, or both" and inserting "and imprisoned for not less than 10 nor more than 30 years"; and

(ii) by striking "10 years nor more than 20 years" and inserting "30 years or for life".

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking "or imprisoned not more than 4 years, or both" and inserting "and imprisoned not less than 10 nor more than 30 years".

(5) PRODUCTION OF SEXUALLY EXPLICIT DEPICTIONS OF CHILDREN.—Section 2260(c) of title 18, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) shall be fined under this title and imprisoned for any term or years not less than 25 or for life; and

“(2) if the person has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), shall be fined under this title and imprisoned for life.”

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3559(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking “or 2423(a)” and inserting “2423(a)”; and

(2) by inserting “, 2423(b) (relating to travel with intent to engage in illicit sexual conduct), 2423(c) (relating to illicit sexual conduct in foreign places), or 2425 (relating to use of interstate facilities to transmit information about a minor)” after “minors”.

AMENDMENT NO. 5 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. RYUN of Kansas:

At the end of title IV add the following:

SEC. 403. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) FINDINGS.—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in *United States v. Jeffrey Meek*, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that “an actual minor victim is not required for an attempt conviction under 18 U.S.C. § 2422(b).”;

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, “Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple’s decision in *United States v. Helder, Jr.* and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple’s decision in *United States v. Helder, Jr.* should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

Mr. RYUN of Kansas. Mr. Chairman, today I am offering an amendment to restate Congress’s commitment to protecting children on the Internet and to condemn a recent judicial decision that, if left standing, would impede the work of law enforcement in tracking down pedophiles on the Internet.

Recently, Jan Helder, a resident of Mission Hills, Kansas, was convicted by a jury for attempting to solicit a minor over the Internet. Notwithstanding the jury’s verdict, the U.S. District Judge, Dean Whipple, acquitted Jan Helder, saying that he did not commit a crime because he was not communicating with a minor but, in fact, was communicating with an undercover agent posing as a minor.

Judge Whipple clearly ignored the law’s intent and contradicted well-established case law addressing the issue.

In *United States v. Jeffrey Meek*, the Ninth Circuit Court of Appeals specifically addressed the question of whether a crime of attempting to solicit a minor on the Internet applies when the actual victim is an adult rather than a minor. In this case, the Court concurred with the decisions of the Fifth and Eleventh Circuit Courts in finding that an actual minor victim is not required for an attempted conviction under this section.

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

Mr. RYUN of Kansas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this sounds like a good amendment, and I would be happy to accept it.

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

The amendment was agreed to.

□ 1345

The Acting CHAIRMAN (Mr. SWEENEY). Are there any further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

SEC. 501. SHORT TITLE.

This title may be cited as the “Foster Child Protection and Child Sexual Predator Sentencing Act of 2005”.

SEC. 502. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD

ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting “, including checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code),” after “criminal records checks”; and

(II) by striking “on whose behalf foster care maintenance payments or adoption assistance payments are to be made” and inserting “regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child”; and

(ii) in each of clauses (i) and (ii), by inserting “involving a child on whose behalf such payments are to be so made” after “in any case”; and

(B) by adding at the end the following:

“(C) provides that the State shall—

“(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

“(ii) comply with any request described in clause (i) that is received from another State; and

“(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;”.

(2) SUSPENSION OF OPT-OUT.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting “, on or before September 30, 2005,” after “plan if”; and

(B) by inserting “, on or before such date,” after “or if”.

(b) ELIMINATION OF OPT-OUT.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “unless an election provided for in subparagraph (B) is made with respect to the State,”; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) ELIMINATION OF OPT-OUT.—The amendments made by subsection (b) shall take effect on October 1, 2007, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the

amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) *IN GENERAL.*—The Attorney General shall, upon request of the chief executive of a State, ensure that appropriate officers of child welfare agencies have the authority for “read only” online access to the databases of the national crime information databases (as defined in section 534 of title 28, United States Code) to carry out criminal history records checks, subject to subsection (b).

(b) *LIMITATION.*—An officer may use the authority under subsection (a) only in furtherance of the purposes of the agency and only on an individual relevant to casework of the agency.

(c) *PROTECTION OF INFORMATION.*—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person authorized by law to receive that information.

(d) *CRIMINAL PENALTIES.*—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (c), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) *CHILD WELFARE AGENCY DEFINED.*—In this section, the term “child welfare agency” means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the placement of foster or adoptive children.

SEC. 504. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422(a) of title 18, United States Code, is amended by striking “or imprisoned not more than 20 years, or both” and inserting “and imprisoned not less than 10 years nor more than 30 years”.

SEC. 505. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “5 years and not more than 30 years” and inserting “30 years or for life”;

(2) in subsection (b), by striking “or imprisoned not more than 30 years, or both” and inserting “and imprisoned for not less than 10 years and not more than 30 years”;

(3) in subsection (c), by striking “or imprisoned not more than 30 years, or both” and inserting “and imprisoned for not less than 10 years and not more than 30 years”;

(4) in subsection (d), by striking “imprisoned not more than 30 years, or both” and inserting “and imprisoned for not less than 10 nor more than 30 years”.

SEC. 506. PENALTIES FOR SEXUAL ABUSE.

(a) *AGGRAVATED SEXUAL ABUSE.*—Section 2241 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “, imprisoned for any term of years or life, or both” and inserting “and imprisoned for any term of years not less than 30 or for life”;

(2) in subsection (b), by striking “, imprisoned for any term of years or life, or both” and inserting “and imprisoned for any term of years not less than 25 or for life”.

(b) *SEXUAL ABUSE.*—Section 2242 of title 18, United States Code, is amended by striking “, imprisoned not more than 20 years, or both” and inserting “and imprisoned not less than 15 years nor more than 40 years”.

(c) *ABUSIVE SEXUAL CONTACT.*—Section 2244(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “, imprisoned not more than three years, or both” and inserting “and imprisoned not less than 5 years nor more than 30 years”;

(2) in paragraph (3), by striking “, imprisoned not more than two years, or both” and inserting “and imprisoned not less than 4 years nor more than 20 years”;

(3) in paragraph (4), by striking “, imprisoned not more than six months, or both” and inserting “and imprisoned not less than 2 years nor more than 10 years”.

SEC. 507. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) *CONDITIONS OF PROBATION.*—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting “; and”;

(2) by inserting after paragraph (9) the following:

“(10) for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer’s supervision functions.”

(b) *SUPERVISED RELEASE.*—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: “The court may order, as an explicit condition of supervised release for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer’s supervision functions.”

SEC. 508. KIDNAPPING PENALTIES AND JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking “if the person was alive when the transportation began” and inserting “, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense”;

(2) in subsection (b), by striking “to interstate” and inserting “in interstate”.

SEC. 509. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

(a) *IN GENERAL.*—Chapter 119 of title 28, United States Code, is amended by inserting after section 1826 the following:

“§ 1826A. Marital communications and adverse spousal privilege

“The confidential marital communication privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

“(1) a child of either spouse; or

“(2) a child under the custody or control of either spouse.”.

(b) *TECHNICAL AND CONFORMING AMENDMENT.*—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

“1826A. Marital communications and adverse spousal privilege.”.

SEC. 510. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting “felony child abuse or neglect,” after “years.”.

SEC. 511. CIVIL COMMITMENT.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting “or to undergo postrelease proceedings” after “trial”; and

(B) by inserting at the end the following:

“4248. Civil commitment of a sexually dangerous person.”;

(2) in section 4241—

(A) in the heading, by inserting “or to undergo postrelease proceedings” after “trial”;

(B) in the first sentence of subsection (a), by inserting “or at any time after the commencement of probation or supervised release and prior to the completion of the sentence,” after “defendant.”;

(C) in subsection (d)—

(i) by striking “trial to proceed” each place it appears and inserting “proceedings to go forward”;

(ii) by striking “section 4246” and inserting “sections 4246 and 4248”;

(D) in subsection (e)—

(i) by inserting “or other proceedings” after “trial”; and

(ii) by striking “chapter 207” and inserting “chapters 207 and 227”;

(3) in section 4247—

(A) by striking “, or 4246” each place it appears and inserting “, 4246, or 4248”;

(B) in subsections (g) and (i), by striking “4243 or 4246” each place it appears and inserting “4243, 4246, or 4248”;

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

“(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and”;

(ii) in paragraph (2), by striking “and” at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

“(4) ‘bodily injury’ includes sexual abuse;

“(5) ‘sexually dangerous person’ means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

“(6) ‘sexually dangerous to others’ means that a person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.”;

(D) in subsection (b), by striking “4245 or 4246” and inserting “4245, 4246, or 4248”;

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

“(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;”;

(4) by inserting at the end the following:

“§ 4248. Civil commitment of a sexually dangerous person

“(a) *INSTITUTION OF PROCEEDINGS.*—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to

the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

“(b) **PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.**—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

“(c) **HEARING.**—The hearing shall be conducted pursuant to the provisions of section 4247(d).

“(d) **DETERMINATION AND DISPOSITION.**—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

“(1) such a State will assume such responsibility; or

“(2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier. The Attorney General shall make all reasonable efforts to have a State to assume such responsibility for the person's custody, care, and treatment.

“(e) **DISCHARGE.**—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

“(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

“(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

“(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that

has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

“(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

“(f) **REVOCAION OF CONDITIONAL DISCHARGE.**—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

“(g) **RELEASE TO STATE OF CERTAIN OTHER PERSONS.**—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against him all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.”

SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “or imprisonment” and inserting “and imprisonment”;

(B) by inserting “not less than 20” after “any term of years”; and

(C) by striking “, or both”; and

(2) in paragraph (2)—

(A) by striking “or imprisonment for not” and inserting “and imprisonment for not less than 10 years nor”; and

(B) by striking “, or both”.

SEC. 513. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking “one year” and inserting “five years”;

(2) in section 2244(b), by striking “six months” and inserting “two years”; and

(3) by inserting after “Federal prison,” each place it appears, other than the second sentence of section 2241(c), the following: “or being in the custody of the Attorney General or the Bureau of Prisons or confined in any institution or facility by direction of the Attorney General or the Bureau of Prisons.”

AMENDMENT NO. 29 OFFERED BY MR.

SENSENBRENNER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. SENSENBRENNER:

Page 69, after line 17, insert the following:
SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

“§ 3298. Child abduction and sex offenses.

“Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.”; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

“3298. Child abduction and sex offenses.”.

SEC. 515. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking “Class B misdemeanor” and inserting “Class A misdemeanor”.

Mr. SENSENBRENNER. Mr. Chairman, this amendment that I am offering contains two provisions. The first would amend title XVIII to eliminate any statute of limitations on criminal prosecutions for kidnapping a child, committing a felony sex offense, or a human trafficking violation.

Eliminating these statutes for these crimes reflects the increased use of the success of DNA in solving decade-old crimes. We have all heard about individuals who have been exonerated by DNA evidence. However, there are even more reports of unsolved cases that have been solved and a perpetrator identified by DNA evidence years after the crime was committed.

This provision reflects this new reality and allows Federal prosecutors to prosecute sex offenders and child abusers who have escaped apprehension because of the statute of limitations.

I would note that this same provision was passed by the House in the 108th Congress as a part of the Child Abduction Prevention Act by the overwhelming vote of 410 to 4. It was modified in conference with the Senate as a part of the Protect Act.

The second provision in this amendment raises the class on the existing misdemeanor for failure to report child abuse, thereby raising the maximum penalty for such an offense from 6 months' imprisonment to a year imprisonment.

I strongly urge support of the amendment.

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

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR.

SENSENBRENNER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. SENSENBRENNER:

Page 54, strike line 10 and all that follows through line 19 on page 55 and insert the following:

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) **IN GENERAL.**—The Attorney General shall, upon request of the chief executive of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code) submitted by a local welfare agency for conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as foster or adoptive parents. Where possible, the check shall include a fingerprint-based check of state criminal history databases. The Attorney General and the States may charge any applicable fees for the checks.

(b) **LIMITATION.**—An officer may use the authority under subsection (a) only for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.

(c) **PROTECTION OF INFORMATION.**—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person authorized by law to receive that information.

(d) **CRIMINAL PENALTIES.**—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (c), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) **CHILD WELFARE AGENCY DEFINED.**—In this section, the term “child welfare agency” means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

Mr. SENSENBRENNER. Mr. Chairman, this amendment makes technical changes to section 503 of the bill relating to access to Federal crime information databases by child welfare agencies.

The amendment requires fingerprint-based checks when conducting background checks for a limited purpose, to verify that a prospective adoptive or foster parent does not have a criminal record.

Before we allow foster or adoptive parents to take children into their homes, we must ensure that these applicants do not have prior convictions, let alone prior sex offense convictions. I urge my colleagues to support this amendment.

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

The amendment was agreed to.

AMENDMENT NO. 31 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. JACKSON-LEE of Texas:

At the end of the Title V, add the following new section:

SEC. ____ SENSE OF CONGRESS.

It is the sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in this act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, there is not a time that in the backdrop of the tragedy of Katrina that I cannot rise and thank the many volunteers and supporters around the Nation and particularly my home town of Houston and the State of Texas.

With that in mind, as I watched the evacuees come into the Houston Astrodome and the George R. Brown Convention Center, Mr. Chairman, one of the striking aspects of it was the enormous number of children, thousands of children. In fact, it is calculated that 300,000 to 400,000 children will be homeless and will be impacted by this tragedy.

This very bill impacts our children by seeking to protect them. So I raise an amendment and a cause of concern that I would like to include and the specific language involved, making sure that the process of adoption and foster care can be expedited through the language of a sense of Congress, that background checks conducted as a precondition to approval of any foster or adoptive placement of children, affected by a natural disaster or terrorist act should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in the Children's Safety Act.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I will be happy to accept this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman's generosity. I understand his generosity and if he would allow me to conclude two or three comments about what I saw, I would be happy to accept a voice vote.

Mr. Chairman, I just wanted to put in the RECORD, why, if you are kind enough to accept this, this is so very important. As I spoke to the evacuees, what they said to me was that in the Superdome there were outright examples of rape and abuse of children. They may not have been the family members; but in that instance, if the family members are lost, an expedited foster care and an expedited adoption would be relevant.

If in this instance of this law we can expedite those background checks and have this language in this bill, I certainly know that it would help the thousands of children that may be impacted.

Let me conclude by saying that I hope, as I indicated before, that we will initiate a children's initiative to address the concerns of these children. But if this language is placed in this bill, at least they will have a placeholder that their cases will be expedited so that their lives can be put back in place and so that sex offenders will not be the ones to be adopting and/or have foster care of these vulnerable children.

As was the case with September 11, Hurricane Katrina has left many children without their natural parents. Many kids are now wondering who will care for them and how their needs will be met. Not only is this enormous pressure on a child but it greatly diminishes the joys of childhood. My amendment would set forth a sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in this act. While family members often step in to take care of children who have lost their natural parents, these family members usually only have limited resources and as a result, the child may be passed from family member to family member. As we all know, this can be a very unstable environment for a child. This amendment attempts to move the background check process along in a timely manner so these displaced children can enter a loving and caring family and get back to a normal life.

As we all watched the devastating stories of Hurricane Katrina unfold, it was very disturbing to me to learn that several minors were raped while waiting to be rescued from the New Orleans Superdome. This is a prime example of the many negative situations that can arise as a result of a natural disaster which displaces children from their parents, or even causes the parents lives to be lost. As a parent and Chair of the Children's Caucus, I am very concerned with the well being of our nation's children. As natural disasters seem to be more prevalent in our society, we must begin to think about how we care for those children who lose their natural parents. This amendment is not intended to circumvent the precondition background check for approval of any foster or adoptive placement; it is only intended to speed the process up so we can get these displaced children with loving and caring families.

In closing, just like most other States, Louisiana has an open and searchable sex offender registry. The primary party responsible in most communities for checking up on the status of sex offenders who have served their sentences but must register is the local police. However, the police and local law officials are swamped with the task of rescuing survivors and ensuring that every one gets out of the city. This makes it difficult to monitor the moves and whereabouts of registered sex offenders. In addition, as the citizens of New Orleans and other states wait for assistance in cities around the country, sex offenders are among innocent children who have lost their natural parents and are vulnerable. In these troubled times, let us not leave our children helpless.

[September 4, 2005]

I have a feeling I could be accused of a kind of insensitivity, or at worst a sort of obsessiveness by bringing this up now, but after reading about some of the terrible things that have been said to have happened in New Orleans after the destruction wrought by Hurricane Katrina on August 29, 2005, this idea occurred to me in a kind of lightbulb moment.

Sex crimes are part of war. War produces an anarchic mindset. So does a disaster on the scale of what we have seen in Louisiana and Southern Mississippi. Just as invading soldiers from various countries in the past have made sexual assault a part of their subjugating of a native population, so the criminals loose on the streets in New Orleans and even inside the SuperDome have made sexual assault another part of their overall orgy of violence. In the entry I wrote earlier today I wrote briefly of the horrific story coming out of the SuperDome of the rape and murder of a little girl, followed by the beating death at the hands of 10 men of the perpetrator.

I began thinking about how many people must be unaccounted for in New Orleans and the surrounding region devastated by the storm. The number must be astonishing, just as we keep hearing the final death toll will be. Of the survivors who have made it this long and perhaps been able to get to refuge in other states, whatever procedures officials who run shelters in these states have in place for registering who stays there must certainly take into account the fact that many people left their homes so quickly and under such duress that they may have only the clothes on their backs—no identification, money, etc.

Registered sex offenders, of course, are more closely accounted for than other citizens. Louisiana has an open and searchable sex offender registry just like many other states across the U.S. The primary party responsible in most communities for checking up on the status of sex offenders who have served their sentences but must register are the local police. As we know, it is all the New Orleans P.D. can do at the moment to maintain their number and keep cops from walking off or getting killed themselves. Just like everyone else, the cops have lost family, homes, in a sense, their lives.

We can surmise that if the death toll from Katrina in Louisiana alone is as high as 10,000, as has been reported in the mainstream media, a number of sex offenders will have succumbed to the storm and its aftermath.

We can also guess that if the larger portion of the population of New Orleans was able to leave before the storm, or has now been taken to refugee centers in surrounding states, a larger number of sex offenders are now not just out of the residence registered in the Louisiana offender database, but quite possibly off the grid completely and free to throw off what many of them surely must view as the shackles of having to register and have their faces placed on the internet next to a summary of whatever crimes they were convicted of committing.

Of that number, a percentage will be considered what many states refer to as level III sex offender. The most likely to use violence in the commission of their crimes, and the most likely to re-offend.

Click on the thumbnail inserted into the first paragraph of this blog entry to see a screen capture of a map I made at mapsexoffenders.com, the service that matches up sex offender databases with maps and satellite photos and marks the registered offenders' homes with a red balloon.

The blue balloon on the large map you see when you look at the screen cap I made rep-

resents the city center of New Orleans. The red balloons, which you will see are numerous, represent all the registered offenders' addresses.

As I said, some of those offenders are likely victims of this epochal storm just like many other residents of the Big Easy. But a larger number of them probably survived. Of those who survived, there will be some who truly are trying to live the 'straight' life, and they will likely be dutiful in reporting their identities and true status as a registered sex offender. But there may even be a larger number who realize that a remarkable opportunity has presented itself.

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

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. WELDON of Florida:

At the end of the bill, add the following new section:

SEC. 5 . DEFENDANTS IN CERTAIN CRIMINAL CASES TO BE TESTED FOR HIV.

(a) IN GENERAL.—A jurisdiction shall have in effect laws or regulations with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity that require as follows:

(1) That the defendant be tested for HIV disease if—

(A) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

(B) the victim requests that the defendant be so tested.

(2) That if the conditions specified in paragraph (1) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to—

(A) the victim;

(B) the defendant (or if the defendant is a minor, to the legal guardian of the defendant);

(C) the attorneys of the victim;

(D) the attorneys of the defendant;

(E) the prosecuting attorneys; and

(F) the judge presiding at the trial, if any.

(3) That if the defendant has been tested pursuant to paragraph (2), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with paragraph (1) (except that this paragraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

(4) That, if the results of a test conducted pursuant to paragraph (2) or (3) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

(b) FAILURE TO COMPLY.—

(1) IN GENERAL.—For any fiscal year beginning 2 or more years after the date of the en-

actment of this Act, a jurisdiction that fails to implement this section shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(A) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(B) LLEBG.—The Local Government Law Enforcement Block Grants program.

(2) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this section shall be reallocated under that program to jurisdictions that have not failed to implement this section.

Mr. WELDON of Florida. Mr. Chairman, for my colleagues this amendment specifically deals with the issue where you have a situation of a sexual assault and a victim is trying to determine the HIV status of the perpetrator.

Many States have taken action on this issue. But there are several States that have yet to do so. Why am I offering this? Well, we had a case in Alabama of a 41-year-old man, HIV positive, transmitting HIV to a 4-year-old girl that he had raped. A 35-year-old man in Iowa raped a 15-year-old girl and her 69-year-old grandmother. He was infected with HIV.

Under the laws of that State, they had no right to obtain the HIV status of this rapist. He was HIV positive. And as many people may note today, if you are exposed to HIV, it is possible to take a 1-month long course of medication and dramatically reduce the likelihood of contracting human immunodeficiency disease.

I think this is an excellent amendment. This body passed this by large vote years ago.

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

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am happy to accept this amendment. I would point out that this is nearly identical to H.R. 3088, which passed the House 380 to 19 in October of 2000.

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. WASSERMAN SCHULTZ:

Insert after section 511 the following new section (and redesignate succeeding sections accordingly):

SEC. 512. STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) GRANTS AUTHORIZED.—The Attorney General shall make grants to jurisdictions

for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(c) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(d) DEFINITIONS.—As used in this section:

(1) The term “civil commitment program” means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term “sexually dangerous person” means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term “jurisdiction” has the meaning given such term in section 111.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, today I offer an amendment to provide guidelines and incentives for States to civilly confine violent sexual predators.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and his staff for this support in working with my office on this provision. I would also like to thank the gentleman from Michigan (Mr. CONYERS) for his support as well.

Most criminals deemed as sexually violent have broken State, as opposed to Federal, laws. This amendment would incentivize States to implement civil confinement programs. This is not a new or radical idea. As of 2002, 16 States and the District of Columbia have implemented some form of a civil confinement law. Under this amendment, civil confinement would encompass those who admit their illness, as well as those who are deemed too dangerous to return to society without proper treatment and rehabilitation.

Texas prisoner Larry Don McQuay is an example of the kind of person who would merit civil confinement. He is a convicted child molester who describes himself alternatively as scum of the Earth and a monster.

He is currently serving a 20-year sentence for molesting three children.

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

Ms. WASSERMAN SCHULTZ. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a good amendment. I would just point out that it has been carefully drafted to ensure compliance with the Supreme Court decisions approving of such laws in *Kansas v. Hendrick* 1997, and *Kansas v. Crane* in 2002.

I am happy to accept the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. MCDERMOTT

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. MCDERMOTT:

Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS
SEC. 601. FOSTER CHILDREN IN AREAS AFFECTED BY HURRICANE KATRINA DEEMED ELIGIBLE FOR FOSTER CARE MAINTENANCE PAYMENTS.

(a) IN GENERAL.—As a condition of eligibility for payments under part E of title IV of the Social Security Act, each State with a plan approved under such part shall, during the 12-month period that begins with September 2005, make foster care maintenance payments (as defined in section 475(4) of such Act) in accordance with such part on behalf of each child who is in foster care under the responsibility of the State, and who resides or, just before August 28, 2005, had resided in an area for which a major disaster has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina.

(b) PAYMENTS TO STATES.—In lieu of any entitlement to payment under section 474 of the Social Security Act with respect to any child described in subsection (a) of this section, each State with such a plan shall be entitled to a payment for each quarter in which there is month in which the State has made a foster care maintenance payment pursuant to such subsection (a), in an amount equal to the sum of—

(1) the total of the amounts expended by the State during the quarter pursuant to such subsection (a) for children described in such subsection (a) who are in foster family homes (as defined in section 472(c)(1) of such Act) or child-care institutions (as defined in section 472(c)(2) of such Act); and

(2) the total of the amounts expended by the State during the quarter as found necessary by the Secretary for the provision of child placement services for such children, for the proper and efficient administration of the plan with respect to such children, or for the provision of services which seek to improve the well-being of such children.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. MCDERMOTT. Mr. Chairman, I rise in defense of children. While I stand alone at the podium, I wish we were all standing together on behalf of foster children created by Katrina.

The other day I introduced the Emergency Action for Vulnerable Children Act, H.R. 3711. Today I offer 3711 as an amendment to the Child Safety Act of 2005.

There is really not a moment to lose. We must accept responsibility for the safety and welfare of foster children affected in this crisis. When Katrina slammed into the Gulf Coast, thousands of foster children were separated from foster families in shelters, and they will fall through the social safety net unless we act.

In drafting this legislation, I worked closely with organizations like the National Foster Parent Association and the Child Welfare League of America. These organizations are working directly with others on the ground in the affected region, and they said what we needed to hear: the Federal Government must become an immediate and reliable partner for States trying to cope with the human needs that are outstripping their individual ability to effectively respond.

Late yesterday the Child Welfare League, which represents 900 public and private caregivers across the country, endorsed the Emergency Action for Vulnerable Children.

Mr. Chairman, I would like to quote from their letter: “Many Child Welfare League of America member agencies are working in the disaster area to connect children with their families and to continue to provide services to those children in care.”

They report to us directly about their struggles in attempting to meet the needs of children and families devastated by the disaster.

H.R. 3711 begins to address these issues. It is clear that it will take a sustained effort on the part of volunteers and local, State and Federal governments, to help these children and families, quote, and continuing to quote, “this legislation provides an assurance that the Federal Government stands as a partner with State and local governments to meet the needs of these children.”

Mr. Chairman, there are no gotchas in this amendment. Its intent is clear, and will focus much more needed Federal resources on foster children affected by the hurricane.

□ 1400

The legislation is bipartisan in spirit and humanitarian in fact. The current child welfare program simply cannot handle a crisis of this magnitude. Rules of eligibility vary from State to State. In many cases, vulnerable children may not be receiving mental health treatment or family counseling.

We must change that, and we can. Because H.R. 3711 cuts through the red tape and makes the Federal Government, appropriately in a national crisis, responsible for paying for urgently

needed care. This is no time to have a boatload of rules and regulations. This is a time to provide a boatload of help.

With one vote, we can demonstrate our leadership in this time of national crisis. With one vote, we can make every foster child entitled to immediate Federal help. There is no reason to wait. There is no justification to wait.

Katrina is a natural disaster and a national crisis. This act is a rescue mission, plain and simple.

Mr. Chairman, given the magnitude of the crisis and the urgency of the need, I urge my colleagues to allow my amendment to be voted on. If there was an alternative before us, I could accept that as a price of speaking for the minority party, but no such legislation exists.

Mr. Chairman, the question really is, if not now, when? If not us, who will defend and save these children?

We witnessed the horror and the tragedy on TV. Thousands of foster children lived through that. The image in their minds, the insecurity in their hearts is real and overwhelming. We cannot leave them alone.

As the ranking Democrat on the Subcommittee on Human Resources, this committee is responsible for protecting these children. We cannot turn our backs and hope that somehow, some way, someone somewhere will respond to the needs of these children.

Across this country, Americans are responding to the crisis the only way they know how, by stepping up with a big heart and an open wallet to help their fellow Americans in need. They are looking to us to lead the Nation through this crisis. We did it once together. We can do it again. Let us prove it by saving the children, today.

CHILD WELFARE LEAGUE OF AMERICA,
Washington, DC, September 13, 2005.

Hon. JIM MCDERMOTT,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN MCDERMOTT: The Child Welfare League of America (CWLA), with our 900 public and private child-serving member agencies, endorses H.R. 3711, the Emergency Action for Vulnerable Children Act. We applaud your leadership in highlighting the needs of vulnerable foster children and families affected by Hurricane Katrina.

Many CWLA member agencies are working in the disaster area to connect children with their families and to continue to provide services to those children in care. They report to us directly about their struggles in attempting to meet the needs of children and families devastated by this disaster.

H.R. 3711 begins to address these issues by providing federal assistance to ensure that foster children receive the supports and services they need, including mental health treatment. H.R. 3711 allows the kind of broad and flexible funding that will assist Louisiana, Alabama, and Mississippi, as well as help other states that are extending their hands in support of the relief efforts.

It is clear that it will take a sustained effort on the part of volunteers and local, state, and federal governments to help these children and families cope. This legislation provides an assurance that the federal government stands as a partner with state and local governments to meet the needs of these children.

Thank you again for your continued leadership on behalf of children and families. Count on CWLA to work with you in any way possible to help the children and families affected by this disaster.

Sincerely,

SHAY BILCHIK,
President/CEO.

POINT OF ORDER

The Acting CHAIRMAN (Mr. SWEENEY). Does the gentleman from Wisconsin (Mr. SENSENBRENNER) insist on his point of order?

Mr. SENSENBRENNER. I do, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. This amendment would provide new budget authority in excess of the allocation made under section 302(a) of the Committee on the Judiciary and thus is not permitted under section 302(f) of the Act.

I ask for a ruling of the Chair.

The Acting CHAIRMAN. Is there anyone else who wishes to be heard on the point of order?

If not, the Chair is prepared to rule on the point of order.

The gentleman from Wisconsin raises a point of order that the amendment offered by the gentleman from Washington violates section 302(f) of the Budget Act.

Section 302(f) of the Budget Act provides a point of order against any amendment providing new budget authority that would cause a breach of the relevant allocation of budget authority under section 302(a) of the Budget Act.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that the new mandatory budget authority provided by this amendment would cause a breach of the allocation of the Committee on the Judiciary.

The amendment offered by the gentleman from Washington would increase the level of new mandatory budget authority in the bill above the allocation made under section 302(a). As such, the amendment violates section 302(f) of the Budget Act. The point of order is sustained.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. NADLER:

Page 4, before line 1, at the end of the table of contents, add the following:

TITLE VI—MISCELLANEOUS PROVISION
Sec. 601. Ban on firearm for person convicted of a misdemeanor sex offense against a minor.

Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISION

SEC. 601. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) DISPOSITION OF FIREARM.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) has been convicted in any court of a misdemeanor sex offense against a minor.”.

(b) POSSESSION OF FIREARM.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the comma at the end of paragraph (9) and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) who has been convicted in any court of a misdemeanor sex offense against a minor.”.

(c) MISDEMEANOR SEX OFFENSE AGAINST A MINOR DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

“(36)(A) The term ‘misdemeanor sex offense against a minor’ means a sex offense against a minor punishable by imprisonment for not more than one year.

“(B) The term ‘sex offense’ means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

“(C) The term ‘minor’ means an individual who has not attained 18 years of age.”.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Parliamentary inquiry, Mr. Chairman. I believe the Chair has not called for further amendments to title V, and the proposed amendment of the gentleman from New York (Mr. NADLER) is to title VI. I do not think title V has been closed out yet.

The Acting CHAIRMAN. The amendment of the gentleman from New York (Mr. NADLER) proposes to add a new title after title V. The gentleman is correct that the adoption of such an amendment would close title V to further amendment. But the Chair is unaware of any further amendment to title V.

Mr. NADLER. Mr. Chairman, my amendment prohibits the transfer to or possession of a firearm by any individual convicted of committing a sex offense against the minor.

Under current law, it is illegal to transfer or sell a gun to anyone convicted of a crime punishable by more than a year in jail. It is also illegal for any individual convicted of such a crime to possess a gun. For some misdemeanor offenses that, although punishable by less than a year in jail, are of a particular serious nature, we currently prohibit all transfers of guns or possession of guns by individuals convicted of such crimes.

For example, we prohibit anyone convicted of a crime of domestic violence, whether a felony or a misdemeanor, from purchasing or possessing a gun. Shockingly, we do not prohibit the sale or possession of guns to people convicted of misdemeanor sex crimes against

a minor. We should not treat child sex offenders any more leniently with respect to possessing guns than we do domestic abusers.

If Congress is prepared in the underlying bill to require rigorous, severe and intrusive registration for 20 years from persons convicted of a misdemeanor sex offense against a minor, and is prepared to require States to verify this information four times a year, then the offense is indeed of such a serious nature that a convicted sex offender against a child must not be allowed possession of a firearm.

A criminal convicted of indecent exposure, lewd conduct or molestation against a minor should not have access to a gun. These are misdemeanor offenses, but dangerous criminals convicted of committing a sexual crime against a child, even when such offense carries a penalty of less than a year, pose too great a danger to society if in possession of a firearm.

I urge my colleagues to support this amendment to close this loophole.

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

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

Mr. SENSENBRENNER. Mr. Chairman, the amendment bans possession and transfer of firearms by a convicted misdemeanor sex offender against a minor, and I am happy to accept the amendment.

Mr. NADLER. Mr. Chairman, I appreciate the comments of the gentleman.

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

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mrs. KELLY:

At the end of the bill add the following (and amend the table of contents accordingly):

TITLE VI—NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT

SEC. 601. NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall create a national register of cases of child abuse or neglect. The information in such register shall be supplied by States, or, at the option of a State, by political subdivisions of such State.

(b) INFORMATION.—The register described in subsection (a) shall collect in a central electronic database information on children reported to a State, or a political subdivision of a State, as abused or neglected.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect. Except as provided in subparagraph (B), each State, or, at the option of a State, each political subdivision of such State, shall determine whether the information to be provided to the Secretary of Health and Human Services under this section shall also relate to reports of suspected

instances of child abuse or neglect that were unsubstantiated or determined to be unfounded.

(B) EXCEPTION.—If a State or political subdivision of a State has an equivalent electronic register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information, except that, at the option of the entity supplying the information, the confidentiality of identifying information concerning an individual initiating a report or complaint regarding a suspected or known instance of child abuse or neglect may be maintained.

(d) CONSTRUCTION.—This section shall not be construed to require a State or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) DISSEMINATION.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish standards for the dissemination of information in the national register of cases of child abuse or neglect. Such standards shall preserve the confidentiality of records in order to protect the rights of the child and the child's parents or guardians while also ensuring that Federal, State, and local government entities have access to such information in order to carry out their responsibilities under law to protect children from abuse and neglect.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and succeeding fiscal years.

Mrs. KELLY. Mr. Chairman, H.R. 3132, the Children's Safety Act, is a good, commonsense bill. It seeks to protect our children from sex offenders and increase the tools for law enforcement and help defend the innocence of our children.

My amendment would strengthen this bill by adding an additional tool for our State and local child protection services and by eliminating the loophole in our local laws which allow child adjudicated abusers to find sanctuary by merely crossing a State's borders. This amendment is similar to legislation I have introduced in the House, H.R. 764, which has strong bipartisan support.

Child abuse and neglect is an issue that crosses jurisdictions. It is, therefore, vital for Federal and local officials to work together to ensure necessary laws and resources to fight child abusers are in place at every level of the government.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, as my colleague points out, under current

law what does this mean? Let me offer an example.

If there is a child abuser in California who has been proven through the courts to have a history of child abuse, that history is on record in the State of California. But should that abuser decide to move to my State of Arizona, there is no documented history of his record of abuse in California that exists in Arizona. Currently, there is no national child abuse registry to show that this is a child abuser, no easy way, therefore, for localities to know this is a child abuser who is unfit to have children in their care.

This is the problem that our local governments currently encounter. Nothing is in place nationally that provides one State a direct way to report to other States that someone has an established history of child abuse, making the job for our local and State child advocacy services much more difficult.

Children are being placed in danger when child abuse offenders move to a State where their history is unknown. This national registry would be a commonsense and a necessary step in the fight against child abuse. Local authorities need a more certain way to uncover an individual's history of child abuse in another State, and this amendment will allow the Attorney General and the Secretary of HHS to work together to create this database that can be updated by data from the several States and utilized by States to keep children safe.

Child abusers can run, but they cannot hide. We will not let them hide. This amendment makes it possible to deal with this effectively. I congratulate my co-sponsor, the gentlewoman from New York (Mrs. KELLY); and I ask the House to move forward on this favorably.

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

Mrs. KELLY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I will make the gentlewoman an offer she cannot refuse. I am happy to accept the amendment if the gentlewoman will yield back the balance of her time.

Mrs. KELLY. That is an offer I will not refuse.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. PENCE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. PENCE:

Add at the end the following new title:

TITLE VI—CHILD PORNOGRAPHY PREVENTION ACT OF 2005

SEC. 601. SHORT TITLE.

This title may be cited as the "Child Pornography Prevention Act of 2005".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child por-

nography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 603. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257 of title 18 of the United States Code is amended—

(1) in subsection (a)(1), by striking “actual”;

(2) in subsection (b), by striking “actual”;

(3) in subsection (f)(4)(A), by striking “actual”;

(4) by amending paragraph (1) of subsection (h) to read as follows:

“(1) the term ‘sexually explicit conduct’ has the meaning set forth in subparagraphs (A)(i) through (v) of paragraph (2) of section 2256 of this title;”;

(5) in subsection (h)(4), by striking “actual”;

(6) in subsection (f)—

(A) at the end of paragraph (3), by striking “and”;

(B) at the end of paragraph (4)(B), by striking the period and inserting “; and”; and

(C) by inserting after paragraph (4)(B) the following new paragraph:

“(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her delegee to conduct an inspection under subsection (c).”.

(7) in subsection (h)(3), by striking “to produce, manufacture, or publish any book, magazine, periodical, film, video tape, computer generated image, digital image, or picture, or other similar matter and includes the duplication, reproduction, or reissuing of any such matter, but does not include mere distribution or any other activity which does not involve hiring, contracting for managing or otherwise arranging for the participation of the performers depicted” and inserting “actually filming, videotaping, photographing; creating a picture, digital

image, or digitally- or computer-manipulated image of an actual human being; or digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, re-producing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or, inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct”;

(8) in subsection (a), by inserting after “videotape,” the following: “digital image, digitally- or computer-manipulated image of an actual human being, or picture.”; and

(9) in subsection (f)(4), by inserting after “video” the following: “digital image, digitally- or computer-manipulated image of an actual human being, or picture.”.

SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

“(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

“(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

“(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

“(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, aid any individual the defendant may seek to qualify to furnish expert testimony at trial.”.

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after “of such offense” and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

“(b) The provisions of section 413 of the Controlled Substance Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

“(c) Any property subject to forfeiture pursuant to subsection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.”.

(b) AMENDMENTS TO CHILD EXPLOITATION FORFEITURE PROVISIONS.—

(1) CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(A) in the matter preceding paragraph (1) by—

(i) inserting “or who is convicted of an offense under sections 2252B or 2257 of this chapter,” after “2260 of this chapter”;

(ii) inserting “, or 2425” after “2423” and striking “or” before “2423”; and

(iii) inserting “or an offense under chapter 109A” after “of chapter 117”; and

(B) in paragraph (I), by inserting “, 2252A, 2252B or 2257” after “2252”.

(2) CIVIL FORFEITURE.—Section 2254(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting “, 2252A, 2252B, or 2257” after “2252”;

(B) in paragraph (2) —

(i) by striking “or” and inserting “of” before “chapter 117”;

(ii) by inserting “, or an offense under section 2252B or 2257 of this chapter,” after “Chapter 117,” and

(iii) by inserting “, or an offense under chapter 109A” before the period; and

(C) in paragraph (3) by—

(i) inserting “, or 2425” after “2423” and striking “or” before “2423”; and

(ii) inserting “, a violation of section 2252B or 2257 of this chapter, or a violation of chapter 109A” before the period.

(c) AMENDMENTS TO RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting “2252A, 2252B,” after “2252”.

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting “**Production and**” before “**Transportation**” in the heading of the section;

(2) by inserting “produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly” after “whoever knowingly” and before “transports or travels in”; and

(3) by inserting a comma after “in or affecting such commerce”.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting “producing with intent to distribute or sell, or” before “selling or transferring obscene matter,”;

(2) in subsection (b), by inserting, “produces” before “sells or transfers or offers to sell or transfer obscene matter”; and

(3) in subsection (b) by inserting “production,” before “selling or transferring or offering to sell or transfer such material.”.

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

Mr. PENCE. Mr. Chairman, I rise today in strong support of both the Pence amendment and the Child Safety Act of 2005. I want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER) for his tireless advocacy of families and children.

While this legislation today is very much about using the force of Federal law to confront child predators, we know that the fuel that fires the wicked hearts of child predators is child pornography; and my amendment, which is drawn from the Child Pornography Prevention Act of 2005, is designed to give law enforcement the tools to stop child pornography at the source.

It will fix a glaring loophole in the current law by requiring pornographers to keep records of the names and ages of their subject, proof of identification. This requirement, we believe, will deter the use of underage children in pornography.

Additionally, pornographers will be required to allow law enforcement to inspect their records. Failure to do so will be a criminal offense.

We also in this legislation extend Federal jurisdiction to so-called “home pornographers” that use downloading on the Internet and digital and Polaroid photography to essentially create an at-home cottage industry for child pornography.

It is time to protect our children. It is time to enact the Pence amendment, the Child Pornography Prevention Act of 2005 and make it a part of this truly landmark legislation, the Children’s Safety Act of 2005.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I would just like to add my words of support for the amendment of the gentleman from Indiana (Mr. PENCE). I think it makes a very important addition to this bill.

Mr. PENCE. I thank the chairman for his endorsement.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the recent case of Free Speech Coalition v. Ashcroft, the Supreme Court indicated that if the material is not obscene it cannot be prohibited unless real children are involved. This amendment prohibits simulated conduct, digital images that may have been produced without real children being involved. If real children are not involved, the material has to be technically obscene to be prohibited.

The Supreme Court indicated in the decision that the fact that this material may whet someone’s appetite or the nature of the case caused problems for law enforcement, those could not be the grounds for violating the Constitution in having material that is not obscene being prohibited.

The case, whether you like it or not, and bringing it up as a floor amendment means we cannot try to conform the language to the Supreme Court decision, so the only thing we can do is to vote against it if we believe in the Constitution and if we read Free Speech Coalition v. Ashcroft.

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

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment as the designee of the gentlewoman from Texas (Ms. JACKSON-LEE).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. CONYERS:

Add at the end the following new title:

TITLE VI—PERSONAL DATA OF CHILDREN
SEC. 601. MISAPPROPRIATION OF DATA.

(a) IN GENERAL.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

“§ 1802. Misappropriation of personal data of children

“Whoever, in or affecting interstate or foreign commerce, knowingly misappropriates

the personally identifiable information of a person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of title 18, United States Code, is amended by adding at the end the following new item:

“1802. Misappropriation of personal data of children.”.

Mr. CONYERS. Mr. Chairman, this question of the well-being of our Nation’s children is a result of the fact that children have increasingly become targets for identity theft. There have been sharp rises in incidents of fraud involving children’s Social Security numbers which have been documented. Crimes using the stolen data are typically credit card frauds or the issuance of fraudulent driver’s licenses. However, it is not too farfetched to think that the misappropriations of the personally identifiable information of a person who has not attained the age of 18 could be used in a way that could bring about many of the offenses set forth in this Act.

□ 1415

So the objective of the amendment crafted by the gentlewoman from Texas is to protect our children at all costs, and this amendment would do this by making it a crime to knowingly misappropriate the personal identification information of a minor in interstate or foreign commerce. The offense would be punishable by fines or imprisonment not to exceed 10 years.

Identity thieves often target children for these type of crimes because they are much less likely to notice that someone else is using their identity.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I am prepared to accept this amendment, but I think it needs a little bit of work on it. I am concerned about the drafting and application of the provision and am concerned about what might be construed as, quote, personally identifiable information of a person who is under age 18.

The amendment requires clarification of these issues, but I am willing to work with my colleague on this amendment to possibly modify or clarify the language at a conference later on. So I am prepared to accept the amendment and hope that it passes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am delighted to be able to cosponsor this amendment, and I thank the distinguished gentleman from Michigan for presenting this amendment on identity theft, and I thank the chairman.

I think the key element of the purpose of this amendment which we present today is to realize that children are vulnerable. Documents have

been lost, and now that we know that identity theft is as prolific, unfortunately, as Katrina was and the rain and the floods, these children need protecting.

So I would hope we could work together. I would like to work with the gentleman from Wisconsin (Mr. SEN-SENRENNER) if this amendment could be accepted.

As chair and founder of the Children's Caucus, I am very concerned with the well being of our Nation's children. Unfortunately, children have increasingly become targets for identity theft. Sharp rises in incidents of fraud involving children's Social Security numbers have been documented. Crimes using this stolen data are typically credit card fraud or the issuance of fraudulent driver's licenses. However, it is not too far fetched to think that the misappropriation of the personally identifiable information of a person who has not attained the age of 18 years could be used in a way that could bring about many of the offenses set forth in this act. The objective is to protect our children at all costs. My amendment would do just that by making it a crime to knowingly misappropriate the personal identification information of a minor in interstate or foreign commerce. The offense will be punishable by fines or imprisonment for not more than 10 years.

Identity thieves often target children for these types of crimes because they are much less likely to notice that someone else is using their identity. Even infants have had their identities stolen by identity thieves. These crimes may be discovered only when bewildered parents get the bill. Some children never learn that fraudulent activity has taken place in their name until they are refused a driver's license because one has already been issued to their Social Security number. Worse still, some apply for student loans only to learn that their credit has been ruined.

Sadly, the Federal Trade Commission estimates that 9 percent of children in this situation learn that a member of their own family had actually perpetrated this fraud. Fixing these credit reports can be very time-consuming and particularly expensive for young adults just entering the job market. Victims now spend an average of 600 hours recovering from this crime, often over a period of years, at an average cost of \$1,400.

These crimes against unsuspecting and defenseless children are among the most insidious that can be committed because they rob children of opportunity. Instead, their entry to adulthood is a setback with massive debt, legal bills, and an extraordinary battle just to get a fair chance in life.

This amendment provides stiff penalties to criminals who prey on a child's future. I would like to thank Mr. CONYERS for offering my amendment and therefore I join him as a co-sponsor of this amendment. After being detained in a meeting on Hurricane Katrina, I was grateful that my amendment was able to be offered by Mr. CONYERS, the ranking member.

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman, and I think that covers it.

The Acting CHAIRMAN (Mr. SWEENEY). The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MR. CONYERS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. CONYERS: At the end of the bill, add the following new title:

TITLE VI—LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION

SECTION 601. SHORT TITLE.

This title may be cited as the "Local Law Enforcement Hate Crimes Prevention Act of 2005".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national ori-

gins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 603. DEFINITION OF HATE CRIME.

In this title, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 604. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction within a 1 year period.

(6) REPORT.—Not later than December 31, 2006, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2006 and 2007.

SEC. 605. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 606. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2006, 2007, and 2008 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 607.

SEC. 607. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“§ 249. Hate crime acts

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER,

SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given the term in section 232 of this title;

“(2) the term ‘firearm’ has the meaning given the term in section 921(a) of this title; and

“(3) the term ‘gender identity’ for the purposes of this chapter means actual or perceived gender-related characteristics.

“(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”.

SEC. 608. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender and gender identity,” after “race.”.

SEC. 609. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. CONYERS. Mr. Chairman, this is a very important consideration; and I offer this amendment to address a problem, the scourge of hate violence, and hope that my colleagues will carefully consider the merits of the proposal.

The larger measure before us, H.R. 3132, finally gives us an opportunity to pass a hate crimes legislation that has been supported by a majority of the House and the Senate for three Congresses. Regularly, on motions to instruct, this House voted 232 to 192 in support of hate crimes legislation. Clearly, after a series of procedural votes in favor of the bill, the time has come for us to act on the substance; and this is what brings me to the well today.

In 2003, for the most available data, the FBI compiled reports from law enforcement agencies across the country identifying 7,489 criminal incidents that were motivated by an offender's irrational antagonism towards some personal attribute associated with the victim. Law enforcement agencies have identified 9,100 victims arising from 8,715 separate criminal offenses. While every State reported at least a small number of incidents, it is important to note that the reporting by law enforcement is voluntary, and it is widely believed that hate crimes are seriously underreported.

Children are not immune from this violence. The FBI data has revealed that a disproportionately high percentage of both victims and perpetrators of hate violence were children, young people under 18 years of age. A Department of Justice report, a special one on the subject, in 2001 carefully analyzed nearly 3,000 of the 24,000 hate crimes reported and revealed 30 percent of all victims of bias-motivated aggravated assaults, and 34 percent of the victims of simple assault were under 18.

So that is the problem. Despite the pervasiveness of the problem, current

law limits Federal jurisdiction over hate crimes to incidents against protected classes that occur only during the exercise of federally protected activities such as voting. Further, the statutes do not permit Federal involvement in a range of cases where crimes are motivated by bias against the victims' perceived sexual orientation, gender disability, or gender identity.

This loophole is particularly significant given the fact that four States have no hate crime laws on the books and 21 others have weak hate crime laws.

So the amendment will make it easier for the Federal authorities to prosecute bias crimes, in the same way that the Church Arson Prevention Act helped Federal prosecutors combat church arsonists, that is, by loosening the unduly rigid jurisdictional requirements under Federal law.

State and local authorities currently prosecute the overwhelming majority of hate crimes and will continue to do so under this legislation with the enhanced support of the Federal Government. Through an intergovernmental assistance program created by this legislation, the Department of Justice will provide technical, forensic, or prosecutorial assistance to State and local law officials in cases of bias crime.

The proposal also authorizes the Attorney General to make grants to State and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

I hope in supporting H.R. 3132 we can also move forward in this important area of hate crimes with reference to protecting children.

Behind each of the statistics cited above lies an individual or community targeted for violence for no other reason than race, religion, ethnicity, sexual orientation, gender, disability or gender identity. Let us be clear that a significant number of children lie within these statistics.

These discrete communities have learned the hard way that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into wide spread tension that can damage the social fabric of the wider community. This amendment is a constructive and measured response to a problem that continues to plague our nation. These are crimes that shock and shame our national conscience and they should be subject to comprehensive federal law enforcement assistance and prosecution.

I hope that in supporting H.R. 3132 we can also move forward in this area, hate crimes, that is equally important to protecting children.

Mr. SENSENBRENNER. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, this is a poison pill to a very good and strongly supported bill; and regardless of whether or not one favors or opposes the Federal hate crimes law, I would ask the membership not to put highly controversial legislation of this nature on a bill that has attracted such strong and bipartisan support.

Earlier today, when we were considering the bill granting immunity from civil liability to Good Samaritans who are going down to help the victims of Hurricane Katrina, the Members of the minority party complained about the fact that there had been no hearings, there had been no committee consideration of this legislation, which is arguably of an emergency nature.

There have been no hearings. There have been no markups to this legislation, and we are talking about a major amendment to the Federal Criminal Code, one that poses constitutional problems of double jeopardy and whether Congress is exceeding its constitutional authority, which is something that should go through the regular order. I do not think the changes to the criminal code should be taken lightly.

Statistics on hate crimes prosecution should be fully considered in a very thoughtful way, including testimony that scholars have presented that says that hate crimes legislation actually increases those types of crimes, rather than decreases them.

We also should consider the case of *United States v. Morrison*, where the Supreme Court considered whether or not section 8 of the Commerce Clause or section 5 of the 14th amendment would allow Congress to enact a Federal civil remedy for victims of gender-motivated violence. There the Supreme Court said the Congress did not have the constitutional authority to do that.

I think both on the merits and on the process and on the practicalities of putting a controversial piece of legislation such as this amendment on a bill that has attracted broad and bipartisan support, this amendment should be strongly rejected. Do not kill the bill with this amendment. Vote it down.

Ms. BALDWIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the underlying bill that we are dealing with today is about safety and protection, and so is the Conyers amendment, which is why I rise in strong support of it.

It is tragic when hate crimes occur, but they do. It is irresponsible and naive to deny that there are people out there who seek to commit violence against others because they are gay, lesbian or transgender or because they are female or because they have a disability. It happens far too often, and we must not be silent about it.

The FBI collects statistics on these crimes; and for the past 10 years, violent hate crimes committed on the basis of sexual orientation have been the third highest number of hate crimes committed. The problem is real, and people are dying solely because of who they are.

Enactment of Federal hate crimes protections is important for both substantive and symbolic reasons. The legal protections are essential to our system of ordered justice; but on a symbolic basis, it is important that

Congress enunciate clearly that hate-motivated violence based on gender-sexual orientation or disability is wrong, because, quite frankly, too much of what we do in this Chamber conveys the message that we really do not believe in equality for all, and that is sort of like a wink and a nod, that a little discrimination is okay.

I want to speak briefly about why hate crimes differ from other violent crimes. A senior Republican Member of the other body said a few years ago: "A crime committed not just to harm an individual, but out of motive of sending a message of hatred to an entire community is appropriately punished more harshly, or in a different manner, than other crimes."

Hate crimes are different than other violent crimes because they seek to instill fear and terror throughout a whole community, be it burning a cross in someone's yard, the burning of a synagogue, a rash of physical assaults in a gay community center. This sort of domestic terrorism demands a strong Federal response because this country was founded on the premise that persons should be free to be whoever they are, without fear of violence.

Both in the 107th and 108th Congresses, the House of Representatives voted in favor of motions to instruct conferees to retain the Local Law Enforcement Hate Crimes Prevention Act as part of the Department of Defense authorization bill. Unfortunately, despite the support of a solid bipartisan majority in both this body and the other body, the provisions were dropped in conference.

The urgency to pass hate crimes legislation and protections is as great as ever. Just last year, in separate instances, two men in Mississippi were brutally murdered based on their sexual orientation.

□ 1430

Scotty Joe Weaver was strangled, beaten, and stabbed before his body was carried to a wooded area and set on fire. The following week, Roderick George was shot in the forehead. Authorities have concluded that anti-gay animus was a motivating factor in both cases.

All Americans, regardless of their race, gender, disability, or sexual orientation, have a right to feel safe in their communities. Gays and lesbians should not have to live in fear anywhere in the United States of America.

For far too long this body has failed to act to prevent or respond to hate crimes. We have the opportunity to do so today. I urge my colleagues to recognize that both the underlying bill and this amendment are about safety and protection of our citizens. I urge my colleagues to support this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment, and I yield to the gentleman from Michigan (Mr. CONYERS),

the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Virginia for his generosity in yielding to me.

Members of the Committee, there is an historical underlying importance about what we are discussing here. I mention its importance. We have never had on the Federal books, in Federal law, a prohibition against killing someone because of their race. Dr. E.B. DuBois and the NAACP brought this up in the 1930s. It was debated even further back during Reconstruction. We are at a very critical, important point.

This House has approved this, but we have never dealt with it substantively before this afternoon. So I urge the Members to seriously consider the historical nature of what it is we are considering here. This is the first substantive consideration of a hate crimes measure that makes it a Federal violation of criminal law to kill a person because of their race. It is exceedingly important from that point of view.

As I said, it has been debated down from Reconstruction times. It was debated during the 1930s. It has been dealt with indirectly here on the floor. The majority of the Members have concurred with it through other procedures. But today, for the very first time, we are now considering this matter.

I commend this to the careful attention of all of my colleagues in this 109th Congress. We have a tremendous opportunity of an historical nature before us, and I hope that we will successfully move this part of the bill forward with this amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the hate crimes prevention amendment offered by the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary, and I thank him for his strong leadership on this subject.

I disagree with the distinguished chairman of the committee. This is not a poison pill. This amendment does nothing to weaken the underlying bill. We all agree we must take strong measures to protect our children from sexual predators. As a mother of five and grandmother of five, I appreciate fully the underlying bill and intend to vote for it.

This is, Mr. Chairman, another issue; and it relates to hate crimes. This vehicle is one that gives Congress the opportunity to go on record, and hopefully in the majority, to reject hate crimes in our country. Hate crimes prevention is long overdue. Hate crimes have no place in America. All Americans have a fundamental right to feel safe in their communities. Federal hate crimes prevention legislation is the right thing to do, and we must do it now. We have waited far too long.

A year ago, a majority of this House voted to support including hate crimes

prevention legislation in the Department of Defense authorization bill, on the heels of a strong vote in the Senate. Similarly, the House acted in September of 2000. Twice, the Republican leadership defied the will of the majority of the House and stripped these essential provisions out in conference. Today, we should not be denied. We will have a vote that counts.

Our Nation was founded on the principle that all are created equal, all are entitled to the protections of the laws, and all are entitled to justice. It violates this principle to have individuals in our country targeted for violence because of who they are, the color of their skin, how they worship, and who they love. The perpetrators of violence intend to send a message to certain members of our community that they are not welcome.

Mr. Chairman, this amendment is based on H.R. 2662, the Local Enforcement Hate Crimes Prevention Act of 2005, introduced by the gentleman from Michigan (Mr. CONYERS), and joined by 142 Members as cosponsors, of which I am proud to be one. It will help prevent violence visited upon individuals because of their race, sexual orientation, sexual identity, religion, national origin, gender, or disability.

As the gentleman from Michigan (Mr. CONYERS) explained, these protections are necessary and must be enacted into law. Who can ever forget the brutal murders of James Byrd in Texas, Matthew Shepard in Wyoming, Waqar Hasan in Texas, Gwen Araujo in California, and so many others who have died because of ignorance and intolerance. This legislation would increase the ability of local, State and Federal law enforcement agencies to solve and prevent a wide range of violent hate crimes.

Mr. Chairman, I call this very specifically to your attention and to that of our colleagues, that numerous law enforcement organizations, including the International Association of Chiefs of Police support the need for Federal hate crimes legislation.

Mr. Chairman, as we deal with the aftermath of Hurricane Katrina, we must remember that we are one America, a Nation that must be united not just in common purpose but in common effort and common community. We must work to end false distinctions among us.

In the words of my good friend, the gentleman from Georgia (Mr. LEWIS), who I consider to be the conscience of this House, we must strive towards our "Beloved Community." "We must move our resources to build and not to tear down, to reconcile and not to divide, to love and not to hate."

Let that be our call. Let us live up to the ideals of equality and opportunity that are both our hope and our future. Let us pass this amendment to secure justice for all. We must continue to vote for justice, for hope, and for freedom by ensuring that hate crimes prevention provisions are enacted into

law. I urge my colleagues to vote for this important amendment.

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

Ms. PELOSI. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just wanted to commend the minority leader on the legislative history she has recounted for the benefit of us who have dealt with this across the years and add that this is a bipartisan measure. I only wish that all of our colleagues on the other side of the aisle who support this measure would also join with their voices and their votes with us on this very important day.

We can track back a record that goes back to reconstruction where we have been trying to attempt to successfully pass this measure. So I congratulate the gentlewoman on her explanation of why we are here.

Ms. PELOSI. Reclaiming my time, Mr. Chairman, I would just say to the gentleman that we passed this legislation, as I mentioned, at least two times on the floor with Republican votes. As the gentleman knows, we do not have the majority on the Democratic side, so it was with Republican votes that we passed it before.

I, too, hope those votes will be here today because we do have an historic opportunity to pass the underlying bill but, more importantly in terms of this historical opportunity that is presented to us, to pass this amendment as well.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to address some of the misconceptions that arise when we deal with this legislation. I and many of the strongest proponents of hate crimes legislation are also among the strongest proponents of free expression in this House, and I want to be very clear. A belief in free expression means the belief in the right of obnoxious people to say hateful things. This is not an effort to prevent people from engaging in racist or homophobic or sexist insults. I regard that to be a very unpleasant but fully constitutionally protected practice, and there have been mistaken assertions in this.

There was in fact a case in Philadelphia which lent itself to the interpretation that unpleasant speech was being prosecuted. That case was thrown out of court, and it was wrong. Nothing in this law in any way, this amendment that the gentleman from Michigan, who happens to be one of the greatest defenders of freedom of expression in the history of Congress, nothing in this amendment impinges in any way on anybody's right to say or write anything they want.

What it says is that if you commit an act which is otherwise a crime, because the predicate for this is that you have to commit a physical act which would be a crime against a person or property, but generally against a person, that it becomes an aggravating factor

if it is demonstrated to be motivated, and the courts have made it clear that you have to demonstrate this is an element of the crime in some way, you must demonstrate that it was motivated by prejudice.

Now the argument is, well, why is one kind of crime worse than any other? Well, in fact, of course, our laws, State and Federal, are replete with examples where the exact same act is treated more harshly depending on the motivation. We have laws that particularly single out crimes against the elderly. We have laws that say if you desecrate one kind of property it is worse than if you desecrate another.

Here is the rationale for this. If an individual is assaulted and the individual chosen for the assault was chosen randomly, that is a very serious problem for that individual, and the crime ought to be punished and the individual protected. But where individuals are singled out for assault because of their race, because of their sexual orientation, because of their gender or identity, and transgendered people are among those who have been most recently viciously and violently attacked, it is not simply the victim of the violent assault who is assaulted. Other people in that vicinity, in that area, who share those characteristics, are also put in fear. And it is legitimate for us to say that when you have individuals being singled out because of a certain characteristic, this becomes a crime that transcends the assault against the individual. It does not mean we do not protect the individual. It means that we go beyond that.

Now there are people who say, look, if you hit anybody, it is exactly the same thing. I doubt their sincerity, Mr. Chairman. Because, as I understand it, under Federal law, if one of us were to be walking out in the street with a private citizen and we were both assaulted, the individual assaulting us has committed a greater crime than the individual assaulting a private citizen. That is, we have one category of hate crimes in that it is a more serious crime to assault a Member of Congress.

Now, by the way, it is obviously not in any way constitutionally inappropriate to denounce Members of Congress. We all know that. So anyone who thinks that when you have enhanced a sentencing by singling out an individual you have immunized him or her from criticism, just look at us. I do not know anybody who is proposing that we get rid of that.

So here is what we are dealing with. We are dealing with a law which in no way impinges on anyone's freedom of expression and says that when individuals are physically harmed in part because of who they are that others who share that characteristic are also put in fear, and that is a way to try to diminish that form of activity.

I should add, too, that we have recently seen more of an outbreak of this sort of violence against people who are

transgendered, and it is important for us to come to people's aid.

Of course, when people say, oh, well, this whole new thing is here, of course, the parent of hate crimes legislation is the anti-lynch laws of the 1930s. We tried in the 1930s to pass laws which were Federal hate crimes. The lynch laws were laws that said murder is murder, but where people are murdered for racial reasons in parts of the country where the individuals may not be protected, where law enforcement might be complicit, that is a Federal law.

Now it is true that while this House continuously passed such legislation, the Senate never did because of other things.

□ 1445

But the fact is that the principle of Federal intervention to protect individuals against crimes of violence that are ordinarily State crimes, in those cases where there is a pattern of non-enforcement, which is a predicate again for activity in this bill, goes back to anti-lynch laws, and I think many of us regret that those laws have not been passed.

The Acting CHAIRMAN (Mr. SWEENEY). The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. 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 Michigan (Mr. CONYERS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 9 offered by the gentleman from South Carolina (Mr. INGLIS) and amendment No. 25 offered by the gentleman from Michigan (Mr. CONYERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. INGLIS OF SOUTH CAROLINA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 316, not voting 11, as follows:

[Roll No. 468]

AYES—106

| | | |
|----------------|-----------------|----------------|
| Abercrombie | Hoyer | Oberstar |
| Ackerman | Inglis (SC) | Oliver |
| Baird | Jackson (IL) | Owens |
| Baldwin | Jackson-Lee | Pastor |
| Becerra | (TX) | Paul |
| Berman | Jefferson | Pelosi |
| Bishop (GA) | Johnson, E. B. | Price (NC) |
| Boucher | Jones (OH) | Rahall |
| Brown (OH) | Kaptur | Rangel |
| Brown, Corrine | Kildee | Roybal-Allard |
| Butterfield | Kilpatrick (MI) | Rush |
| Capuano | Kucinich | Sabo |
| Carson | Lantos | Sánchez, Linda |
| Case | Larsen (WA) | T. |
| Clay | LaTourette | Sanders |
| Cleaver | Lee | Schakowsky |
| Conyers | Levin | Schwarz (MI) |
| Crowley | Lewis (GA) | Scott (VA) |
| Cummings | Lungren, Daniel | Serrano |
| Davis (IL) | E. | Sherman |
| Deal (GA) | Maloney | Smith (WA) |
| DeGette | Markey | Snyder |
| Delahunt | Matsui | Solis |
| Dingell | McDermott | Stark |
| Ehlers | McGovern | Stupak |
| Engel | McKinney | Tierney |
| Evans | Meehan | Towns |
| Farr | Meeks (NY) | Udall (NM) |
| Filner | Millender- | Velázquez |
| Frank (MA) | McDonald | Wasserman |
| Green, Al | Miller, George | Schultz |
| Grijalva | Mollohan | Waters |
| Gutierrez | Moore (WI) | Watson |
| Hastings (FL) | Moran (VA) | Watt |
| Hinchee | Nadler | Waxman |
| Holt | Napolitano | Woolsey |
| Honda | Neal (MA) | Wynn |

NOES—316

| | | |
|---------------|------------------|---------------|
| Aderholt | Conaway | Gonzalez |
| Akin | Cooper | Goode |
| Alexander | Costa | Goodlatte |
| Allen | Costello | Gordon |
| Andrews | Cramer | Granger |
| Baca | Crenshaw | Graves |
| Bachus | Cubin | Green (WI) |
| Baker | Cuellar | Green, Gene |
| Barrett (SC) | Culberson | Gutknecht |
| Barrow | Cunningham | Hall |
| Bartlett (MD) | Davis (AL) | Harris |
| Bass | Davis (CA) | Hart |
| Bean | Davis (FL) | Hastings (WA) |
| Berkley | Davis (KY) | Hayes |
| Berry | Davis (TN) | Hayworth |
| Biggert | Davis, Jo Ann | Hefley |
| Bilirakis | Davis, Tom | Hensarling |
| Bishop (NY) | DeFazio | Herger |
| Bishop (UT) | DeLauro | Herseth |
| Blackburn | DeLay | Higgins |
| Blumenauer | Dent | Hinojosa |
| Blunt | Diaz-Balart, L. | Hobson |
| Boehkert | Diaz-Balart, M. | Holden |
| Boehner | Dicks | Hooley |
| Bonilla | Doggett | Hostettler |
| Bonner | Doolittle | Hulshof |
| Bono | Doyle | Hunter |
| Boozman | Drake | Hyde |
| Boren | Dreier | Inslie |
| Boswell | Duncan | Israel |
| Boustany | Edwards | Issa |
| Boyd | Emanuel | Istook |
| Bradley (NH) | Emerson | Jenkins |
| Brady (PA) | English (PA) | Jindal |
| Brady (TX) | Eshoo | Johnson (CT) |
| Brown (SC) | Etheridge | Johnson (IL) |
| Brown-Waite, | Everett | Johnson, Sam |
| Ginny | Fattah | Jones (NC) |
| Burgess | Feeney | Kanjorski |
| Burton (IN) | Ferguson | Keller |
| Buyer | Fitzpatrick (PA) | Kelly |
| Calvert | Flake | Kennedy (MN) |
| Camp | Foley | Kennedy (RI) |
| Cannon | Forbes | Kind |
| Cantor | Ford | King (IA) |
| Capito | Fortenberry | King (NY) |
| Capps | Fossella | Kingston |
| Cardin | Foxo | Kirk |
| Cardoza | Franks (AZ) | Kline |
| Carnahan | Frelinghuysen | Knollenberg |
| Carter | Gallely | Kolbe |
| Castle | Garrett (NJ) | Kuhl (NY) |
| Chabot | Gerlach | LaHood |
| Chandler | Gibbons | Langevin |
| Chocola | Gillmor | Larson (CT) |
| Coble | Gingrey | Latham |
| Cole (OK) | Gohmert | Leach |

Lewis (CA) Oxley
 Lewis (KY) Pallone
 Linder Pascrell
 Lipinski Pearce
 LoBiondo Pence
 Lofgren, Zoe Peterson (MN)
 Lowey Peterson (PA)
 Lucas Petri
 Lynch Pickering
 Mack Pitts
 Manzullo Platts
 Marchant Poe
 Marshall Pombo
 Matheson Pomeroy
 McCarthy Porter
 McCaul (TX) Price (GA)
 McCollum (MN) Pryce (OH)
 McCotter Putnam
 McCrery Radanovich
 McHenry Ramstad
 McHugh Regula
 McIntyre Rehberg
 McKeon Reichert
 McMorris Renzi
 McNulty Reyes
 Meek (FL) Reynolds
 Menendez Rogers (AL)
 Mica Rogers (KY)
 Michaud Rogers (MI)
 Miller (FL) Rohrabacher
 Miller (MI) Udall (CO)
 Miller (NC) Ross
 Miller, Gary Rothman
 Moore (KS) Ruppertsberger
 Moran (KS) Ryan (OH)
 Murphy Ryan (WI)
 Murtha Ryan (KS)
 Musgrave Salazar
 Myrick Sanchez, Loretta
 Neugebauer Saxton
 Ney Schiff
 Northup Schmidt
 Norwood Schwartz (PA)
 Nunes Scott (GA)
 Nussle Sensenbrenner
 Obey Sessions
 Ortiz Shadegg
 Osborne Shaw
 Otter Shays

NOT VOTING—11

Barton (TX) Harman
 Beauprez Hoekstra
 Clyburn Melancon
 Gilchrest Payne

□ 1510

Ms. ZOE LOFGREN of California, Mrs. CUBIN, Messrs. BOYD, GREEN of Wisconsin, NUSSLE, WICKER, WILSON of South Carolina, DAVIS of Florida, RENZI, KINGSTON, EMANUEL, BACA, BARTLETT of Maryland, LARSON of Connecticut, HOBSON, COOPER, and Ms. ESHOO changed their vote from “aye” to “no.”

Messrs. BROWN of Ohio, SMITH of Washington, and MCDERMOTT changed their vote from “no” to “aye.”

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. CONYERS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 223, noes 199, not voting 11, as follows:

[Roll No. 469]

AYES—223

Abercrombie Green, Al
 Ackerman Green, Gene
 Allen Grijalva
 Andrews Gutierrez
 Baca Hastings (FL)
 Baird Herseth
 Baldwin Higgins
 Barrow Hinchey
 Bass Hinojosa
 Bean Holden
 Becerra Holt
 Berkley Honda
 Berman Hooley
 Biggert Hoyer
 Bishop (GA) Insee
 Bishop (NY) Israel
 Blumenauer Jackson (IL)
 Boehlert Jackson-Lee
 Bono (TX)
 Jefferson
 Boucher Johnson (CT)
 Boyd Johnson, E. B.
 Brady (PA) Jones (OH)
 Brown (OH) Kanjorski
 Brown, Corrine Kaptur
 Butterfield Kelly
 Capps Kennedy (RI)
 Capuano Kildee
 Cardin Kilpatrick (MI)
 Cardoza Kind
 Carnahan Kirk
 Carson Kolbe
 Case Kucinich
 Castle LaHood
 Chandler Langevin
 Clay Lantos
 Cleaver Larsen (WA)
 Conyers Larson (CT)
 Cooper Leach
 Costa Lee
 Costello Levin
 Cramer Lewis (GA)
 Crowley Lipinski
 Cuellar LoBiondo
 Cummings Lofgren, Zoe
 Davis (AL) Lowey
 Davis (CA) Lynch
 Davis (FL) Maloney
 Davis (IL) Markey
 DeFazio Marshall
 DeGette Matheson
 Delahunt Matsui
 DeLauro McCarthy
 Dent McCollum (MN)
 Diaz-Balart, L. McCotter
 Diaz-Balart, M. McDermott
 Dicks McGovern
 Dingell McIntyre
 Doggett McKinney
 Doyle McNulty
 Edwards Meehan
 Emanuel Meek (FL)
 Engel Meeks (NY)
 Eshoo Menendez
 Etheridge Michaud
 Evans Millender-
 Farr McDonald
 Fattah Miller (NC)
 Filner Miller, George
 Fitzpatrick (PA) Mollohan
 Foley Moore (KS)
 Ford Moore (WI)
 Frank (MA) Moran (VA)
 Gerlach Murtha
 Gonzalez Nadler
 Gordon Napolitano

NOES—199

Aderholt Bonner
 Akin Boozman
 Alexander Boren
 Bachus Boustany
 Baker Bradley (NH)
 Barrett (SC) Brady (TX)
 Bartlett (MD) Brown (SC)
 Berry Brown-Waite,
 Bilirakis Ginny
 Bishop (UT) Burgess
 Blackburn Burton (IN)
 Blunt Buyer
 Boehner Calvert
 Bonilla Camp

Davis (TN) Johnson (IL)
 Davis, Jo Ann Johnson, Sam
 Davis, Tom Jones (NC)
 Deal (GA) Keller
 DeLay Kennedy (MN)
 Doolittle King (IA)
 Drake King (NY)
 Dreier Kingston
 Duncan Klime
 Ehlers Knollenberg
 Emerson Kuhl (NY)
 English (PA) Latham
 Everett LaTourette
 Feeney Lewis (CA)
 Ferguson Lewis (KY)
 Flake Linder
 Forbes Lucas
 Fortenberry Lungren, Daniel
 Fossella E.
 Foxx Mack
 Franks (AZ) Manzullo
 Frelinghuysen Marchant
 Gallegly McCaul (TX)
 Garrett (NJ) McCrery
 Gibbons McHenry
 Gillmor McHugh
 Gingrey McKeon
 Gohmert McMorriss
 Goode Mica
 Goodlatte Miller (FL)
 Granger Miller (MI)
 Ruppertsberger Miller, Gary
 Graves Moran (KS)
 Green (WI) Murphy
 Gutknecht Musgrave
 Sabo Hall
 Salazar Myrick
 Sanchez, Linda T.
 Sanchez, Loretta
 Sanders Ney
 Saxton Northup
 Schakowsky Norwood
 Schiff Nunes
 Schwartz (PA) Hensarling
 Schwarz (MI) Herger
 Scott (GA) Hobson
 Scott (VA) Hunter
 Serrano Hyde
 Shays Inglis (SC)
 Sherman Issa
 Shimkus Istook
 Simmons Jenkins
 Skelton Jindal

NOT VOTING—11

Barton (TX) Harman
 Beauprez Hoekstra
 Clyburn Melancon
 Gilchrest Payne

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SWEENEY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1520

Mr. NUSSLE changed his vote from “aye” to “no.”

So the amendment was agreed to. The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. SWEENEY, 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. 3132) to make improvements to the national sex offender registration program, and for other purposes, pursuant to House Resolution

436, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 52, not voting 10, as follows:

[Roll No. 470]

YEAS—371

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Haraman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCullum (MN)
McCotter
McCreery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)

NAYS—52

Akin
Barrett (SC)
Blunt
Bonilla
Buyer
Conaway
Davis (IL)
Deal (GA)
Duncan
Flake
Gingrey
Gohmert
Hefley
Hinchey
Holt
Honda
Hunter
Johnson, Sam
Jones (NC)
Jones (OH)
Kingston
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Miller (FL)
Mollohan
Moran (KS)
Norwood
Oberstar
Paul
Price (GA)
Rahall
Ryun (KS)
Sabo

NOT VOTING—10

Barton (TX)
Beauprez
Camp
Clyburn
Gilchrest
Melancon
Payne
Royce

Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wasserman
Schultz
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

□ 1541

Messrs. FLAKE, WAMP and DUNCAN changed their vote from “yea” to “nay.”

Mr. BURTON of Indiana and Mr. MANZULLO changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GILCHREST. Mr. Speaker, I was unavoidably detained for the vote on passage of H.R. 3132, the Children’s Safety Act of 2005. If I had been present for this vote, I would have voted “yea.”

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3132, CHILDREN’S SAFETY ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3132, the Clerk be authorized to correct section numbers, cross-references, punctuation and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

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

There was no objection.

PUT OUR FEDERAL POLICIES IN ORDER

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

Mr. BLUMENAUER. Mr. Speaker, for several years I have come to the floor of the House using the perilous situation that faced New Orleans as a rallying cry for us to get our policies right dealing with water resources, floods, and disaster mitigation.

We now have a wide variety of plans and proposals that are flying about, which is encouraging. But it is important that we do it right, that any plan that we undertake is comprehensive and harnesses the forces of nature to solve problems rather than create them.

It is important that we start now with the vast sums of Federal money that is flowing into the gulf region, and it is critical that we involve the local people in shaping their own destiny.

Last but not least, we must implement long overdue reform to the way the Corps of Engineers operates, and even more important, how Congress treats the Corps of Engineers. This will go a long way towards not just helping New Orleans and the Katrina damaged area; but it will make all our families safer, healthier, and more economically secure.

RANJAN MANORANJAN

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

Mr. BROWN of Ohio. Mr. Speaker, I rise today to recognize a distinguished Ohioan, Ranjan Manoranjan. A native of Sri Lanka, Mr. Manoranjan is a tireless advocate of humanitarian efforts here in his adopted country and throughout the world.

In July, Mr. Manoranjan was awarded the Ellis Island Medal of Honor, which honors American citizens who through struggle and sacrifice help build our Nation while preserving their own cultural identity.

Past Ellis Island recipients include Bill Clinton, Rosa Parks, and Colin Powell. Co-founder of the International Relief Foundation, Mr. Manoranjan has raised millions of dollars to combat global poverty including significant support for tsunami relief.

□ 1545

Mr. Manoranjan's commitment to social and economic justice is evidenced in a letter I received from his business partner of 18 years.

Nanda Nair wrote, "He has been an example to me for giving back to the community, mentoring others, and preserving ancestral ties while celebrating America's tradition as the land of opportunity and self-improvement."

HIDDEN HATE CRIMES BILL

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

Mr. GOHMERT. Mr. Speaker, we just passed a hate crimes bill. There is no Federal nexus, not sufficient to satisfy the requirements of the Constitution, but then again we have a Supreme Court that often does not recognize the Constitution as written. It rewrites it to suit its own whims.

As a former judge, I was a tough sentencer when that came about, but I am telling you, 10 years from now, when your preacher or even a Muslim leader says something about the Bible or the Koran or something saying that this sexual preference is wrong and they get arrested, then there will be people in this body that say, you know what, maybe I should have voted against that amendment.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a friend of mine has sent me a short and moving poem; and I want to share it tonight.

She writes, "I weep for my country. We seem to have completely lost our way. I want the government to be as generous as private people are. I want my government to do as well as WalMart is doing. I weep for my country. I want black faces to count as much as mine. I need hope, not statistics, platitudes and phony, staged play-acting. I weep for my country. We need a Marshall Plan. We need a New Deal. We need leaders in Congress to start talking about conservation, pulling together, car pooling, not opening the Alaskan oil fields. Oh, God, how I weep for my country."

I was moved by my friend's words, and I am committed to turning her words into action. Tomorrow morning at 10 o'clock I will be convening a hearing to discuss concrete strategies for ending the war in Iraq. We will hear from Middle East experts, military leaders, and others as they offer their ideas for how we can bring our troops home and move toward a peaceful but constructive role in the rebuilding of Iraqi society.

This morning brought news of a deadly series of bombings in Iraq, killing American soldiers and Iraqi civilians, more than 150 people in all, making it one of the deadliest days of this horrific war.

Is this what the march of freedom looks like? Is this what Vice President CHENEY meant when he said the insurgency was in its last throes?

It is more clear than ever that the American military presence is inspiring terrorist insurgents rather than defeating them. Al Qaeda has taken credit for this wave of violence and al Qaeda was not even a factor in Iraq before the U.S.-led occupation began.

The American people understand this. Nearly two-thirds of them give the President poor marks on his handling of Iraq. They are desperate to hear alternatives to the administration's disastrous policy. That is why I have organized this hearing tomorrow, to give voice to a widely held conviction, to spark a national debate, to demonstrate that many of us do not want to just speak out against the war. We want to discuss pragmatic, nuts-and-bolts solutions, in fact, a road map to our very disengagement.

That discussion should eventually go beyond Iraq to include a complete reassessment of our national security priorities. It is time to end the reflexive impulse of using military force to solve our international conflict. It has, by the way, the appearance of strength, but, as Iraq has shown us, it often undermines our national security, rather than enhancing it.

I have proposed a new approach. It is called SMART Security. It stands for Sensible, Multi-lateral American Response to Terrorism. SMART is based on the belief that war should be an ab-

solute last resort, to be undertaken only under the most extreme circumstances. But that does not mean SMART is not serious and smart about protecting America. It is vigilant about fighting terrorism and weapons of mass destruction, but it does so with stronger multi-lateral alliance, improved intelligence capabilities, vigorous inspection regimes, and aggressive diplomacy.

SMART would shuffle our national security budget. No more billions thrown at outdated Cold War weapons programs. That money would instead be invested in energy independence and other efforts that truly are relevant to the modern security threats that we face.

SMART also includes an ambitious international development agenda to help address the root causes of terrorism, democracy building, education for women and girls, addressing resources scarcity. These are key ingredients to building stable societies in Iraq and elsewhere.

It is my hope and belief that the grievous mistakes we made in Iraq will lead us to this new, smarter national security policy. SMART Security protects America by relying on the very best of American values: our capacity for global leadership, our dedication to peace and freedom, and our compassion for the people of the world.

GREAT AMERICAN RICE TRADE IN TROUBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to praise September as National Rice Month and honor those who grow it, process it, transport it, and all those who bring it to the dinner tables of America and the rest of the world.

National Rice Month was established in 1991 when both Houses of Congress agreed and the President of the United States sought to increase awareness of rice and recognize the contribution made by the U.S. rice industry to America's economy. National Rice Month celebrations will take place all across America this month in grocery stores, restaurants, schools, in festivals in many rice-growing communities, including the 36th Annual Texas Rice Festival just outside my district in Winnie, Texas.

Rice is an important part of American history and heritage. It has been grown in North America since 1696, when an improved variety of rice, reportedly from Madagascar, was grown on the Carolina coast. Early Americans recognized the promise of this crop throughout the world; and by 1726 the port of Charleston, South Carolina, was a major rice port in the United States.

As America earned independence, rice was growing as one of our largest exports. Over the years, rice became

less and less important to the Carolinas as crops such as cotton and tobacco were better suited for that climate. But it was not until the war between the States, as advancing Union armies in the 1860s put the great rice plantations to the torch, that farmers picked up and moved west to the rich, fertile land of the Mississippi Delta and the lowlands off the gulf coast of Texas and Louisiana.

Today, there are only six States that have land and climate suitable to produce rice. As a \$2 billion cash crop, rice is the fifth most valuable food crop grown in the United States. Ninety percent of the rice consumed in the United States is grown here.

The people of the United States consume approximately 18 pounds of rice per person per year. That amount continues to increase.

Until recently, the combined acreage of rice farms in the State of Texas was over the size of the State of Rhode Island.

Rice is vital to agriculture producers through exports, too, as the United States is one of only two or three major players in the world rice market. We export rice to more than 120 countries and supply 14 percent of all the rice in the world trade. It is one of the world's most important foods. It is a primary staple for more than half the world's population.

The U.S. rice industry has a long, successful past. However, Mr. Speaker, its future is much in jeopardy. These are tense and troubling times. The American rice farmer is becoming an endangered species.

Ray Stoesser, a constituent and friend of mine down in Liberty County, Texas, is struggling like many other rice farmers. Ray, like most farmers, simply wants a market to sell their product. They want a sanction-free world.

American political policies keep prices of rice depressed while increasing costs to American farmers. World markets are being lost to others. While farmers like Ray are doing the most to improve their yields, they have nowhere to sell their rice. Rice farmers do not want more government subsidies. They want markets for the rice that they sell.

The three largest foreign markets of United States rice producers has historically been Iran, Iraq and Cuba, countries in which the United States has heavily sanctioned against. Those sanctions do not hurt those countries. They hurt American rice farmers. We need to have free rice trade with these countries. The people of these nations are going to eat and buy rice. They should buy rice from America, because that is where they want to buy their rice. But in the name of politically correct sanctions, American rice farmers are hurt because the government does not allow complete free trade with these nations.

The Cuban market and its \$64 million in sales last year has been lost to more

government sanction, red tape, regulation and lack of common sense. Mr. Speaker, however, this resolution, H.R. 3058, the Transportation, Treasury appropriations bill, contains a very important provision to keep rice sales thriving. So as we recover from the stress of the hurricane and fuel price increases, it makes sense that we would want to ship rice to generally a close country such as Cuba who wants to buy it. If we get rice moving to Cuba, it would solve many problems.

We need to make it easier to sell rice to Iraq. We need to drop the agricultural sanctions to that nation.

As we celebrate National Rice Month and look back on its historical importance to America, we must ensure our government gives our rice producers the opportunity to keep the tradition long and strong and end those stupid sanctions. We need to keep the great American rice farmer like Mr. Ray Stoesser on his combine harvesting rice in Southeast Texas.

FORGOTTEN POOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, for too long we have borne witness to relentless attacks on America's poor and working families. Abandoned by corporate America, betrayed by the political right, largely ignored by the mainstream media, our Nation's poor have become little more than an afterthought, most recently evidenced by what we as a Nation saw in New Orleans after Hurricane Katrina.

While productivity and profit in America are up, wages are falling, and poverty is increasing. Since 1973, not coincidentally the year this country went from a trade surplus to a trade deficit, since 1973 the average worker has seen his or her wages go up about 10 percent in real dollars, while productivity has increased to almost 90 percent.

It used to be in this country since World War II that when productivity went up that workers' wages went up roughly the same amount, that workers shared in the wealth that they created for their employer.

□ 1600

Those days, unfortunately, have passed.

An August census report revealed that in the United States the number of uninsured Americans has increased dramatically. In the last 5 years, the total number of Americans with employer-sponsored health coverage has fallen by almost 4 million. Because 1.1 million Americans dropped into poverty in 2004, almost 2 million more Americans enrolled in Medicaid that year; and yet in the face of growing poverty, the rising number of uninsured Americans, this administration and Republican leadership are demand-

ing that we cut \$10 billion from Medicaid.

Just think about that again. More and more people need Medicaid, not just because of Katrina, but because of layoffs, because of plant closings, because more and more employers are dropping their coverage. More people need Medicaid. More people need health care because they have lost it. The congressional response is cutting Medicaid by \$10 billion in order to continue to give even more tax cuts to the wealthiest 1 percent of people in this country. That is a choice this Congress is about to make, and it is scandalous.

Household incomes fell for the fourth year in a row in 2004, something we had not seen in this country perhaps ever, at least since the Depression.

The reality is that every segment of American society, except for the very wealthy, has seen its income decline under this administration. Men working full-time have seen their earnings drop below what they earned 6 years ago. Women working full-time have seen their annual incomes decrease also. America's men and women working full-time are the reason our Nation's productivity is up; and yet they are earning less every year.

The number of people living in poverty increased in 2004 by 1.1 million people. Eight million children are uninsured. Thirteen million children live in poverty. The infant mortality rate is rising in the U.S. The infant mortality rate in Washington, D.C., is double that of the infant mortality rate in Beijing. This is the first year infant mortality has increased in this country since 1958.

A U.N. report on global equality sheds light on the shadows of this administration's policies. This report said there are parts of the United States that are as poor as the Third World. One nation cannot survive as a thriving democracy, certainly our Nation cannot, under policies that rely on trickle-down economic theories.

The aftermath of Katrina, when government should be at its most proactive to ensure the return of a thriving economy, this administration is working actively to lower wages in that region. An executive order handed down by President Bush will allow companies that win Federal contracts, companies that are the President's contributors, Halliburton, which is still paying Vice President CHENEY retirement benefits of \$3,000 a week, companies like that, while those companies are rebuilding, the President's executive order allows them to pay lower prevailing wages indefinitely.

The community hit hardest by Katrina is the working poor. These men and women will literally do the heavy lifting in rebuilding the region. Yet the President is saying cut their wages. Cheating workers out of fair wages robs them of the ability to take ownership in their own community. One must ask why the President could depress wages for a community in crisis. It makes no sense.

Mr. Speaker, these issues represent a divide in government policy, a betrayal of values that I thought Americans hold dear, that most of us do. These issues represent a moral obligation in the fight for dignity of every American.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent to claim my time for my Special Order at this time.

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

There was no objection.

SEVENTH ANNUAL HOOPS FOR HOPE BASKETBALL GAME RESULT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I rise and have the privilege perhaps on a lighter note to report the outcome of the seventh annual Hoops For Hope basketball game between Washington, D.C.'s elite lobbyists and Members of Congress. Perhaps the broad smile on my face or the gleaming hardware to my left might provide some clues as to the outcome of last night's contest.

Seven years ago, Paul Miller of the American League of Lobbyists hit upon the idea that perhaps lobbyists and Members of Congress could move away from the political arena and actually have a contest on the court. While I will report to my colleagues the games have been intensely competitive, the game has had a more noble purpose, and that is to raise money for kids in the inner city of Washington, D.C.

Last night, through the generosity of a lot of people, we raised \$50,000 from just last night's event, bringing the running total of these several contests to over \$200,000. Again, there were a lot of people that deserve a lot of credit for helping make that event a success.

Certainly our former colleague, Jack Quinn of New York, who, of course, now has gone over to the lobbyists side. When Jack Quinn was a colleague here and was our coach, he had an undefeated record. Unfortunately, his former colleagues last night marred that record and gave him a defeat; but, again, I appreciate all the work that Jack did, that Paul Miller did.

George Washington University was very gracious in hosting the event yet again.

I would also like to talk about someone who donated his time, that is, Mis-

souri men's basketball coach Quin Snyder, who is a personal friend who accepted my invitation to come, who came at his own expense, at his own effort, to prowl the sidelines to give some guidance for us. The game got a little close in the waning moments, and it was his presence on the sidelines, maybe working the officials just a little bit, but I really appreciate my friend Quin coming here to Washington, D.C. again for this purpose, his executive assistant Donna, as well as my own executive assistant Eileen, who helped work on the logistics.

Finally, this was a bipartisan, bicameral team. When you think that, on paper at least, the universe of lobbyists is about 10,000, and of course, House Members and Senators, there are only 535 of us from which to draw this team, we really on paper should not even be on the same court with these lobbyists; and, nonetheless, thanks to Senators ENSIGN and THUNE, thanks to my colleagues here in the House, the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Kansas (Mr. TIAHRT), the gentleman from Arizona (Mr. FLAKE), the gentleman from Ohio (Mr. OXLEY), the gentleman from Washington (Mr. LARSEN), the gentleman from Washington (Mr. INSLEE), and the gentleman from Wisconsin (Mr. KIND), we happened to have a winning margin in the double digits. The final score was 44 to 33; and yet the real winners are the kids from the inner city D.C. area who are the beneficiaries of the proceeds that we raised.

We had a chance at half-time to personally interact with dozens of these kids. Again, this is a community effort to provide a solution for some kids growing up in some really tough circumstances. So they are the real winners of last night's contest; but even as they are the beneficiaries of those proceeds, we will proudly hang on to this gleaming hardware for yet another year.

I thank the Chair for allowing me this time.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to take the gentleman from Illinois' (Mr. EMANUEL) time.

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

There was no objection.

HONORING THE OREGON NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise this evening to thank the Oregon National Guard. There is a lot of discussion here about the things that went wrong with the response to the Hurricane Katrina disaster; but yesterday, I had the experience of accompanying the adjutant general, Major General Fred Rees of the Oregon National Guard, to New Orleans to see the guard units there in action.

We have one of the largest, if not the largest, contingents in New Orleans. They have one of the most difficult sectors, a large portion of the city, particularly the portion of the city that is still submerged; and I had an opportunity there to meet with the troops. They are basically living in battlefield conditions, eating meals ready to eat, sleeping in an abandoned school and a university that is vacant at the moment, and they are doing extraordinary work.

One of the first people I met from the city when we made our first stop was a woman who was still in her house. I went to ask her why she was still in her house, because they have been trying to encourage people to evacuate. She said, well, I feel safe. I said, well, I can understand that. She said, no, thank God for the National Guard; I feel safe. She says, you do not understand. She was telling me that she felt safe in her neighborhood for the first time in years, an incredibly high crime neighborhood, because of the Oregon National Guard presence.

Then we went on from there to the flooded areas where, in the preliminary stages, they are still rescuing people. The day we were there they rescued people; 570 people rescued so far by the Oregon National Guard.

They have begun in their own small way to contribute to the restoration effort of the school, the high school that they are living in which was pretty trashed and this other university campus that they are on, beginning clean-up; but their efforts are just extraordinary.

The thing about the National Guard is they do not just bring the military precision to these sorts of efforts. I mean, they have got the discipline, the training, the logistic support, the unit cohesion, those sorts of things; but they have something else special. They are citizen soldiers, and they have other skills, and those other skills are needed more than ever in a disaster, more than regular Army troops.

They can certainly restore order. We have quite a number of police officers who have been heavily relied upon by other troops and other units of Guards not from Oregon in dealing with the residents and some of the problems still in the neighborhoods that they are assisting.

We have firefighters. We have people with expertise in heavy equipment. They found and repaired an abandoned bulldozer to begin clearing streets for

access around one of the headquarters. We have electricians who are trying to wire the school so that they can use the generators, at least have some basics for the troops.

This is the National Guard at their finest. Many of these troops have just recently returned from Iraq. They have not even been home 6 months, and many are signed up to go to Afghanistan next March; but I did not hear a single complaint. They said, this is a great mission. We are saving people's lives. We can see we are making a difference here. We are proud to serve.

I am proud as an Oregonian to represent many of these individuals. The Guard is a tremendous success story in a disaster which has too many other problems, things that must be investigated by Congress in terms of the Federal Emergency Management Agency, returning it to being an independent, professionally run, high-functioning agency. Many of us objected to putting it in Homeland Security. We were all too right, unfortunately.

We must oversee the relief and recovery effort. The government is borrowing and spending \$500 million a day. That must be strictly overseen to make sure there is not crisis profiteering that has happened after some other disasters and other hurricanes. Congress has a role in that, and Congress then is going to have to look at the rebuilding effort in terms of the infrastructure that serves that area, the intricate infrastructure, the Corps of Engineers and what steps we are taking for the future, where we will rebuild, and how we will protect those things.

It will be massively expensive; and in the face of that massive expense, in addition to a deficit, I hope that the President and the majority party drop their push for more tax cuts for the wealthiest among us. Those who earn more than \$300,000 a year and those who have estates worth more than \$6 million, should they not contribute to this effort? Are they not part of this country, or do they just live behind walled compounds with their private security and their private jets?

We are all in this together, as was demonstrated by my citizen soldiers who are not paid a whole heck of a lot of money to do this. So let us do this right. Let us recognize the National Guard and others who volunteered and have done so well. So far let us support their effort, and let us enter into this rebuilding effort in a wise and cost-efficient way, protecting both the taxpayers and the people who have been ravaged by this storm.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am pleased that the Congressional Black Caucus has decided to discuss poverty.

I am a cosponsor of H. Con. Res. 234 and would like to see the President present a plan to eradicate poverty by 2010.

Hurricane Katrina devastated the lives of people who were already living well under the poverty level. I have concerns with the slow response and weak leadership of the Federal and State agencies. I have concerns that many of the affected States have Medicaid-eligibility criteria that are too harsh. I have concerns about our overcrowded and underfunded safety net hospitals.

I have concerns that since our current President took office there are 5.4 million more people in poverty, 6 million more without health insurance, and the median income is down more than \$1,600 a year.

□ 1615

As relates to these statistics, the most affected State is the home State of the President, Texas. What we saw on television during the hurricane was the face of poverty. People with resources left early. Only ones with the least resources had to depend on their government for a safety net. The safety net had holes that need repair. Denying minimum wage to help with the cleanup and the Halliburton Company in charge, opportunities are dismal. Only the President can correct this.

We still are being asked, was it racism? My response to the question: It is the face of poverty U.S.A. Was it racism? You answer the question. If it was, it did not start with Katrina. We need measures to eradicate poverty. Mr. President, let us not continue the trends of the rich getting richer and the poor getting poorer. As we move closer to a rich and poor society with the middle income disappearing, I plead with all of us, and the President, to address this problem.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

(Mr. MCCAUL of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I want to begin by thanking and ap-

plauding our colleague, Congresswoman BARBARA LEE, who will lead the next hour for the concurrent resolution she has introduced and which I cosponsor which everyone ought to support which affirms the obligation and leadership of the United States to improve the lives of the 37 million Americans living in poverty, 13 million of which are children.

The entire country and indeed the world got but a glimpse of the big picture as we watched in horror as the floods washed away the facade and exposed the poverty that exists in this the richest and most powerful Nation in the world. The added tragedy was the insensitivity and lack of urgency with which Katrina's victims were treated.

The moral question we are faced with today and which every person in this country must answer is, what are we going to do about it? As leaders of this Nation, we have the obligation to begin that answer now.

My colleagues and I tonight will be joining Congresswoman LEE to lead us in that response.

What everyone else saw perhaps for the first time was not a surprise to us. We have come to this body, to task forces and committee meetings, here to the well of the House and to countless press conferences to tell the world that this level of poverty exists, that it disproportionately includes African Americans and other people of color. And we have called on the Congress and the White House through our budget proposals and legislative agenda to repair the breach in our human condition, largely to no avail.

While the events of the last 2 weeks have spoken volumes in ways our words could not, we must not let what happened in Alabama, Mississippi, and even more so in Louisiana ever happen again. So as we appropriate dollars to fix the levees and other infrastructure that has been damaged or destroyed, we must also fix the social and economic infrastructure which failed so many and exacerbated the tragedy, and we must repair broken lives for the short and long term. That includes repairing a very deficient and dysfunctional health care delivery system in rural areas, the territories, and communities of color.

Almost as a last warning before the storm hit and the flood waters surged came the new numbers from the Census Bureau on income, poverty, and health insurance status in this country. Louisiana, Mississippi, and Alabama are three of our poorest states. In these states, about six in every ten African Americans are living at or below the Federal poverty line.

In the wake of the storm and even before the waters began to recede came a second report as a reminder of how deep we have to reach into America's psyche to repair the damage. That report, Closing the Gap: Solutions to Race Based Health Disparities, assessed and analyzed the impact that social determinants, such as economic,

social, environmental, and cultural inequities, have on health and health care. These inequities provide a medium in which poverty not only continues to exist but thrives.

Poverty is perhaps the most closely aligned determinate of ill health. It then should follow that the elimination of poverty would go a long way to eliminating the long-standing health care inequities that result in health care disparities for African Americans and other people of color that are the shame of this wealthy Nation.

It is my hope that this country, my country, will never forget Katrina and recognize that what was laid bare is only a fraction of what exists, particularly in the South but throughout this country.

As leaders, I hope my colleagues will join us to ensure that the infrastructure is put in place so that nowhere across the United States will such a preventable travesty ever happen again.

Part of that would be to pass our legislation to create health empowerment zones in communities such as those in which poverty and the concurrent ill health trapped their victims. This legislation would assist and empower them to address health care challenges and improve the public health infrastructure as well as mitigate the social, environmental, and economic determinants of health.

It is part of a larger legislative initiative for which we also ask your support, the Heal America Act of 2005, a comprehensive bill, a sort of Marshall Plan for health that would reverse the dynamics that lead to the disproportionate death, disease, and disability which people of color suffer.

Lastly, not allowing this to ever happen again includes not cutting Medicaid. Not only is it needed in this crisis, which has been described as in biblical proportions, but it is needed in the everyday crises that result in over 100,000 preventable premature deaths in people of color every year. My colleagues, this, too, is the annual unacknowledged catastrophe that we can and must prevent.

Mr. Speaker, let us honor the memory of the victims of Katrina and the suffering of the survivors by eradicating poverty, by creating a fair, equitable and just health care system and by building a better America where there is the guarantee of life, liberty, and the pursuit of happiness for all.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DOWNING STREET MEMOS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, today, the occupation of Iraq continues and we learn that another bomb blast, in fact a series of bomb blasts in Iraq have resulted in the loss of more than 100 lives. So far, the loss of American servicemen and women's lives is almost 2,000. We have lost almost 2,000 American servicemen and women in Iraq.

The American people are asking now with greater frequency a very significant question: Why did we invade Iraq and why are we continuing to occupy that country?

Today, the House Committee on International Relations defeated a Resolution of Inquiry, which I introduced, and that defeat came essentially along party lines. Every Democratic member of the House Committee on International Relations voted for the resolution; one Republican voted for it; one Republican did not oppose it. But the resolution lost by one vote because all of the other Republicans on the committee opposed it.

What this resolution asked was simply this. It asked the administration, the White House, and the Defense Department to provide to the Congress information with regard to that information which is contained in the so-called Downing Street memos.

The Downing Street memos are very interesting. They were first revealed by the Sunday Times of London on May 1, 2005. What these Downing Street memos are, are high-level communications between some of the most significant members of the British Government, including Prime Minister Tony Blair; Richard Dearlove, who was the head of British intelligence; Jack Straw, the foreign secretary; and others.

These Downing Street memos were communications between these high-ranking officials of the British Government. They reveal the essence of conversations which took place between members of the British Government and members of the Bush administration here in Washington, including Condoleezza Rice, Vice President CHENEY, Secretary of Defense Rumsfeld, and others.

What the Downing Street memos reveal is that, from the very beginning, the Bush administration was obsessed with Saddam Hussein and that they used the attack of September 11 not to go after the perpetrators of that attack, Osama bin Laden and the al Qaeda network, but to twist and distort the facts in order to justify an attack against Iraq, given the obsession that they had with Saddam Hussein.

So the resolution that I introduced today, and which was defeated by the House Committee on International Relations, called upon the executive branch of government, the White House and the Defense Department, to provide to the Congress information with regard to those conversations from the

American perspective. All we have now is the British perspective. And the British perspective is quite damning indeed, damning of the intentions of the Bush administration and the way in which this ensuing occupation has been carried out.

The Downing Street memos make it clear that high-ranking members of the Bush administration were determined to twist and distort the intelligence and the facts to fit the policy which they had already decided to put into action; and that policy, of course, was to attack Iraq and to remove Saddam Hussein as the head of that government.

Many people across our country, including an increasing number of the House of Representatives, and I believe the Senate as well, are asking the question: How could that attack be justified when we now know that the ostensible justification, the justification which was set forth by the administration, was completely false?

First, that justification was that Iraq had something to do with the attack of September 11. Then the administration had to back off from that assertion when it became clear to almost everyone that there was no validity in that assertion whatsoever. Rapidly, the administration moved to an assertion that it was important for us to attack Iraq because Iraq possessed so-called weapons of mass destruction, biological and chemical weapons. And the suggestion was even made over and over and over again, by the highest ranking officials of the Bush administration, that the Iraqi government was acquiring nuclear weapons, that they had imported enriched uranium from Niger into Iraq in order to manufacture atomic bombs, and that we were in danger of having those nuclear weapons used against us. So, therefore, they sought in that way to justify an attack against Iraq.

It is now clear to almost everyone, even the most myopic of persons, that Iraq possessed no weapons of mass destruction program and was nowhere near the development of any nuclear weapons.

And as is made clear by the information that is possessed in these Downing Street memos, other countries were much more dangerous, including Libya, Iran, and North Korea, because they were much closer to developing nuclear weapons than was Iraq, which had essentially abandoned all of its large-scale weapons programs in 1991. That information had been made clear as a result of investigations which were carried out by the International Atomic Energy Agency and by weapons inspections teams, two of them in fact from the United States. They found no evidence of any weapons of mass destruction.

So information from the administration about these Downing Street memos is essential. Why the Committee on International Relations defeated that resolution today remains to be seen, but we will be back. We will be

back until we get the truth about what started this war in Iraq, why it was instigated in the first place, and why it is continuing to be carried out in such a failing manner.

POVERTY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, there is not a lot that I can add to what my colleagues have said about the tragedy of Hurricane Katrina, about the hundreds of lives that have been lost and the billions of dollars in property damage that has been experienced. But perhaps in the midst of this horror, there might be a silver lining. And if there is a silver lining, it might be that we begin to take a hard look at some of the realities of America, realities that are very rarely talked about here on the floor of the House or in the media.

Clearly, one of the realities that we did observe in New Orleans is that there were thousands and thousands of people there who could not flee the flood because they did not have money, they did not have a car, and they had no place to go. And some of them died because they are poor.

But poverty exists well beyond New Orleans. The fact of the matter is that millions of Americans today live in abject, humiliating poverty. And, tragically, in the last 5 years alone, since President Bush has been in office, the number of poor people in America has grown by 5 million.

□ 1630

So not only are we not addressing the problem of poverty; it is becoming significantly worse. And at a time when a lot of my colleagues talk repeatedly about family values, some 17 percent of the children in America live in poverty, which is by far the highest rate of childhood poverty in the industrialized world. Some of the other industrialized countries have poverty rates of 3, 4 percent. We are over 17 percent.

So if there is a silver lining in Hurricane Katrina, it may be, it may be, it might be that we refocus on the needs of ordinary Americans, and we make fundamental changes in the priorities that have been established in this country in the last 5 years.

Mr. Speaker, it is not just that poverty in America is increasing; it is that the middle class in this country is shrinking. We all know about the explosion in technology. We all know that worker productivity in America is rapidly rising; but in the midst of that, what we are seeing is that real wages, inflation accounted for wages, for millions and millions of workers is going down. People are working two jobs, they are working three jobs, and yet they are further behind economically than they were 20 or 30 years ago.

Mr. Speaker, in America when we talk about priorities, when we talk

about our kids, we have got to ask ourselves about our educational system and why it is that throughout this country, in Vermont and virtually every other State in America, our child care situation in America is an absolute disaster. Every psychologist will tell you that the most important years of a person's life are the first few years, and yet in America today we have kids being warehoused in America in facilities where there are inexperienced, underpaid teachers and people who are minding the children. We have millions of other Americans today who would like to go to college, but cannot afford the \$35,000 or \$40,000 a year that it costs.

To my mind we are wasting huge amounts of intellectual capital by not making college available for all Americans. It is a national disgrace that for the first time in recent years, fewer low-income kids are going to college than used to be the case.

Mr. Speaker, while the middle class is shrinking, poverty is increasing. While some 46 million Americans have no health insurance, while the average American today is paying the highest prices in the world for prescription drugs, there is another reality taking place in America, and that is that the wealthiest people in our country have never had it so good.

What we are seeing today in America is the widest gap between the rich and the poor of any industrialized nation on Earth, and it is wider in America today than at any time since the 1930s.

Mr. Speaker, to my mind a great nation is measured not by the number of billionaires it has, not by the number of nuclear weapons that it has, but in fact how we treat the least amongst us, the elderly, the sick and the poor. By that definition, we are not doing very well at all.

Mr. Speaker, while average Americans were struggling last year just to keep their heads above water economically, maybe to make a few bucks more than inflation was taking away from them, the CEOs of the Forbes largest 500 corporations in America saw a 54 percent increase in their compensation; 54 percent for the CEOs of the largest corporations, while millions of Americans are seeing a decline in their standard of living.

Mr. Speaker, in the midst of the disaster of Hurricane Katrina, in the midst of a period when we are going to be spending tens of millions of dollars rebuilding the gulf coast, at a time when we are spending \$300 billion in Iraq, our Republican friends and the President of the United States want to repeal the estate tax and provide hundreds of billions of dollars more in tax breaks for the wealthiest 2 percent who are the only people who will benefit from the repeal of the estate tax and half of those benefits are going to the richest one-tenth of 1 percent.

Yes, we can cut Medicaid by \$50 billion. Yes, we can underfund the Veterans Administration so the veterans

go on waiting lists all over America. Yes, we can have children sleeping out on the street. There is no money to take care of those needs, but apparently we have hundreds of millions to give to the wealthiest 2 percent, which will drive up our deficit, drive up our national debt and leave all of that to our children.

I would hope that common sense will prevail and that the President and Republican leadership, at a time of a record-breaking national debt, record-breaking deficits, will not give huge tax breaks for people who do not need them. Instead, let us move forward to lowering our deficit. Instead, let us pay attention to the middle class and low-income Americans who need help.

So once again, Mr. Speaker, if there is any silver lining in the disaster and the horror of Hurricane Katrina, it might be that today we begin reevaluating our priorities.

TWO AMERICAS LIVE IN THE UNITED STATES

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. LEE. Mr. Speaker, first, let me just remind those who are listening tonight that there have always been two Americas here in the United States. I was quite taken aback right after the very recent catastrophe of Hurricane Katrina that reporters and many individuals kept commenting that this is not America, we do not know this place, this cannot be America. But my response consistently has been, this is the America that I know and this is the America that brought many of us here to Congress.

By race or class, there are two distinct and separate societies surviving on sheer will and determination here in our own country. It just does not make sense that the richest, most powerful Nation in the world has some of the poorest, unhealthiest, and most vulnerable people in the world. In many ways, Hurricane Katrina has brought to light the shame that the United States really, quite frankly, has tried to sweep under the rug for decades.

Now, the Congressional Black Caucus has represented this hidden America for nearly 40 years in this Congress. The Congressional Black Caucus has consistently worked to eradicate poverty throughout our country. Just look at the disparities agenda put forth by the Congressional Black Caucus under the leadership of our great chairman, the gentleman from North Carolina (Mr. WATT). Whether it is unemployment rates, whether it is health statistics, whether it is statistics as it relates to decent and affordable housing, the gaps are glaring. The disparities are glaring.

The disparities of poverty severely and disproportionately affect African

Americans and people of color in our country. Let us just for a minute, and I put this chart up here so we can look at the poverty rates right now in the United States and where they were in 2000, in 2000, 11.3 percent was the poverty rate, increasing every year to 2004, which, of course, the Census Bureau has just put out, 12.7 percent, and it is climbing.

So who are the poor? Newsweek magazine, and I hope everyone reads Newsweek this week, September 19, and what Newsweek says. Let me read a paragraph from that article where it describes who the poor are: "With whites making up 72 percent of the population, the United States contains more poor whites than poor blacks or Hispanics. In fact, the Center on Budget and Policy Priorities reports that the increase in white poverty in non-urban areas accounts for most of the recent uptick in the poverty rate, but only a little more than 8 percent of American whites are poor." That is 8 percent compared with 22 percent of Hispanics and nearly 25 percent of all African Americans, 25 percent in a country that is 12 percent black. That is the point that we need to make, that people need to understand.

So those naysayers who say we are playing the race card, which we are not, they need to look at the facts. They need to look at the disproportionate numbers of Americans living in poverty who are African American and who are Hispanic. The facts speak for themselves.

We are going to talk tonight about the impact of Hurricane Katrina on people who are poor and who did not have the money to leave and to evacuate, most of whom happen to be black. We are going to talk about that tonight. I hope those who are listening and watching understand that this America that many of us here understand and know, these two Americas that unfortunately we have been faced with, is one of the reasons why we fight each and every day against the budget cuts, against the tax cuts, against putting unnecessary resources into an unnecessary war.

That is why many of us here are here tonight as members of the Congressional Black Caucus, as Americans, as Members of Congress to really call to the attention of the American people the huge impact of poverty, the disproportionate numbers of individuals who happen to be black and Latino in our country. Here we have the greatest, most industrialized, most technically developed country in the world; and we have this unbelievable number of American citizens who are poor.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS), who has been all of his life a warrior, a fighter for the poor, who organized the Poor People's Caucus here in Congress and who will talk to us now with regard to why he has embraced this agenda as his life's mission.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California (Ms.

LEE) and also thank the gentlewoman from Florida (Ms. CORRINE BROWN), who has been working on this issue.

First of all, I want to continue the discussion that the gentlewoman has been a leader on since she arrived in Congress. There are a few things that I want to add to this discussion because we have to speak truth to this great tragedy.

The first understanding that we have to arrive at is that many people in New Orleans were in dire straits before the hurricane and the mishandling of the hurricane and floods ever occurred. We are talking about a poverty that is so devastating that many of us, including myself, come in and out of New Orleans and never see what is really going on.

Mr. Speaker, 84 percent of the folks there are African American and poor. We have a tragedy that was waiting to happen. Ever since President Lyndon Johnson made the first efforts against a war on poverty, which was aborted shortly after that, we have neglected, generation after generation, to address this problem.

□ 1645

So the second thing that I would make clear to everybody is that New Orleans is not just the only place that there is such devastating poverty that it shocks one to know what it is. When we go to many other parts of this country, there are huge places of depressed areas, of deprived people, of great suffering, of high unemployment, of tragic failings, and hope is missing in a lot of these places.

So what we are doing is speaking not only about Katrina and New Orleans, but we are really talking about this condition of poverty that spreads across this entire country. And we are now forced, with the classic tragic mishandling of the flood, and this is the first time in the President's public career that he has ever admitted that, because of this Federal bungling, that the responsibility is at his level. Now I can suggest to the Members that one of the reasons that he is doing this is that his ratings are now lower, that in seven previous administrations no second-term President has ever been in the situation that he has. Whether that will change what we do remains to be seen. It may be another Rove tactic to get him to go up, but this discussion precedes what the President is going to say almost at the same time tomorrow. What he says will tell us where we are going and what they do.

At the same time that we are getting ready for the President's mea culpa, let us remember that there has been nobody here talking about rolling back the Medicaid cuts and the food stamp cuts and other restrictions. Those are quietly going forward at the same time that we are saying we have got to do more. And this is not just about volunteer help, which we are grateful for, and corporate contributions. We are talking about the government dealing with this problem.

The last point is that we now have a plan in progress in which the Halliburtons are now coming not only from Iraq but all over to begin to take over the reconstruction efforts. From our members in Mississippi and Louisiana, we find that there are no plans for the small businessmen to participate in the rebuilding. So this is a major issue which requires us not just to get the President straightened out. We have got a budget that will take us into an absolute no-way-out trap if we do not really change the terms of what we are doing.

Poverty is now being challenged. We might not be here were it not for the revelations that have been made by most of the press. And for us to be unaware that the black and the poor in this country are now the victims of one of the most federally bungled cleanups in America, we have gotten rid of the FEMA Director, but that is only the tip of the iceberg.

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

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, would the gentleman please explain to me, because I quite do not understand it. I heard what he said about the Halliburtons of the world. But could he explain why minorities and women, the people that are most affected by this hurricane, cannot participate in the recovery.

Mr. CONYERS. Mr. Speaker, because these are no-bid, multimillion dollars contracts for which they are not even eligible to bid; and then when they subcontract them out, they subcontract them out to other large corporations and not to the small business people who can best contribute and bring the economy back together.

Ms. CORRINE BROWN of Florida. Just a follow-up, Mr. Speaker.

Can he give me the criteria, how they participate? Is it some kind of campaign contribution? Is there some kind of criteria? I need to be able to go somewhere and tell my small businesses who want to participate how to participate. Whom do they have to write the checks to?

Mr. CONYERS. Mr. Speaker, what I am trying to do is draw the parameters of where we are today. Today, we are not dealing with the people on the ground that can be of the most help. We have business people, construction people, who actually could be helping, and they cannot get in the door because they do not have the answers to the gentlewoman's questions of where do they go. I have been trying to call the Mayor of New Orleans, and he does not have a phone. Only cell phones, and everybody in America is probably calling him on those one or two phones.

I commend the leader of this Special Order.

Ms. LEE. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his comments.

Let me just say I believe, unfortunately, that this Congress and the administration suspended the requirements to include minority- and women-owned businesses in the upcoming contracts, which to me is appalling and unacceptable; and we need to go back and repeat what they repealed.

Mr. Speaker, I now yield to the gentlewoman from Florida (Ms. CORRINE BROWN) to come forward and make her statement.

Ms. CORRINE BROWN of Florida. Mr. Speaker, let me commend the congresswoman for her leadership in this area. Let me commend the Congressional Black Caucus for their leadership; and I also want to commend the American people, because the American people have come forward, the private businesses, the private organizations.

What has been blatantly clear to all Americans is that the Federal Government has been missing in action. We have two Americas. It is tragic. We have one black. Yes, I said it, black, African American. One white. One rich and one poor, and the poorest Americans are still the most vulnerable. We need to ensure that all Americans, regardless of where they live, can find a quality of life and work.

This hurricane has put a spotlight on the tragic situation that exists with this administration, and I call it reverse Robin Hood, robbing from the poor and working people to give tax breaks to the rich. I am going to repeat that. Reverse Robin Hood, and I have said it over and over again. Robbing from the poor to give tax breaks to the rich. That has been the policy.

There are two things that I want to discuss today. In light of the hurricane, why are we doing away with Davis-Bacon? And, two, why are we doing away with affirmative action contracting programs?

Almost as disturbing as this administration's horrible response to the hurricane is their suspension of all labor rules for hurricane-related contracts. Just like in the past, the Bush administration is taking every opportunity to destroy organized labor but has taken it to a new level by suspending all affirmative action programs in contracting. This is a new mandate by this administration, and it will do absolutely nothing to ensure quick or better service for those suffering from the hurricanes but will certainly ensure that none of them are involved with rebuilding their homes and communities. The very same people whose tax dollars will be paying for the reconstruction will be shut out of the opportunity to participate in the cleanup.

Just like in Iraq, where we never had any oversight, we cannot afford to see the repeat of this situation in the gulf States. And let me say again, Iraq, no oversight, over \$1 billion, no accountability. If this had been a Democratic administration, somebody would be in jail, and certainly the Congress would be investigating and investigating, and

there would be hearings and hearings and hearings.

Nothing, nothing goes on in the people's House. The only thing that we do is vote on somebody's courthouse. No discussions about the issues of the day. If it was not for this Congressional Black Caucus, no discussion.

As always, President Bush talks the talk. In fact, I have come to the conclusion that our government is a paper tiger. We talk the talk, but we do not walk the walk. He and his political cronies continue their assault on minorities and the working poor, while lining the pockets of their political cronies and filling their campaign coffers.

Lo and behold, whom do we see getting the biggest contract in the clean-up of the hurricane? I heard one of my sisters last Tuesday night ask the Secretary, the Secretary that was here, can anybody do any business with the Federal Government other than Halliburton? A \$588 billion contract, no bid, no opportunity for anybody else to participate. If I am incorrect, please somebody speak up. None other than Dick Cheney's Halliburton. So while the poor in Louisiana, Alabama, and Mississippi suffer from Federal neglect, DICK CHENEY and his cronies keep getting rich. I said it. If Hurricane Katrina's high winds, rain, and furious power were not enough, the Federal Government's inadequate response to this tragedy just adds gasoline to the fire.

I want to take a moment to thank the people locally in my area of Jacksonville. We have sent over 18 tractor trailers full of goods and services. Goods. I asked them to give me their wish list, and everything on their wish list we filled. And, in fact, I got a call today. We have got another one filled, and we are getting ready to send it to Mississippi.

And let me tell my colleagues something. People from Mississippi and Louisiana are calling me. To this day no one has been to their community. They do not have communication. They do not have water. They do not have lights. What is the problem in the richest country in the world? We are not a third world country. We still have not gotten services to these local communities.

As I bring it to a close, remember to whom God has given much, much is expected. We cannot continue to run around the world talking about our fighting for democracy, fighting for our neighbors, when we do not fight right here at home for the people who pay the taxes. We have got a lot of work to do in this Congress, and it is not just passing a bill naming a post office.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHLMANN of New York). The Chair would remind Members that personally offensive references toward the President or the Vice President are not permitted under the rules of the House.

The gentlewoman may proceed.

□ 1700

Ms. CORRINE BROWN of Florida. Mr. Speaker, on that question, I understand I cannot discuss their personal motives, but I understand that I can raise their names.

This inquiry should not be on the time of the gentlewoman from California.

The SPEAKER pro tempore (Mr. KUHLMANN of New York). The gentlewoman is reminded that innuendo relating to personal pecuniary gain by the President or Vice-President is improper under the Rules of the House, as I am being informed by the Parliamentarian.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I did not understand what you are saying, sir. Would you repeat what you just said?

The SPEAKER pro tempore. The gentlewoman will continue with her time.

PARLIAMENTARY INQUIRIES

Ms. WATERS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. WATERS. Mr. Speaker, the gentleman just stated a rule that is unclear. The gentleman was questioned by the gentlewoman from Florida about the rule. The gentlewoman basically said, are you saying we cannot refer to the President of the United States or to the Vice President of the United States? I would like clarification on the rule that you attempted to describe.

The SPEAKER pro tempore. The Parliamentarian informs me that the rule of the House does not restrict reference to policies of the administration, including criticism or critique, but prohibits personally offensive references, including accusation or innuendo of malfeasance.

Ms. MCKINNEY. Mr. Speaker, I have a parliamentary inquiry. I do not want to take away the time of the gentlewoman from California (Ms. LEE).

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. MCKINNEY. Mr. Speaker, I would like to know if indeed it is a fact that the Vice President of the United States receives a salary in the form of deferred compensation from Halliburton which, in turn, received a no-bid contract to do the cleanup work for Katrina, are we prevented from saying that on the floor of the House?

The SPEAKER pro tempore. The gentlewoman has not stated a parliamentary inquiry.

Ms. MCKINNEY. I thank the Speaker. That means we can speak about these kinds of things.

The SPEAKER pro tempore. Members should refrain from personally offensive remarks related to pecuniary gain of the President or Vice President. That is improper under the Rules of the House.

The gentlewoman may continue. Thirty-seven minutes remain.

Ms. LEE. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from California for yielding. More importantly, I want to thank her for her passion, her leadership, and her dedication to trying to make sure that America does in fact become the land that we often hear about but the land that we have not yet experienced.

Katrina has pulled the cover, in a real sense and in many ways, off the whole question of poverty, which is something that we do not talk about nearly enough. We often talk about other kinds of issues and other kinds of things, but very seldom do we get to the core of it in terms of saying that poverty continues to be a major problem for a large segment of the American population. As a matter of fact, we saw, and people have already indicated, individuals who did not have enough resources, could not put together enough money, did not have transportation money, who simply could not get away, who could not get out of the path of the oncoming hurricane because their purses were empty.

But they are not empty only in New Orleans. When we look across America, we see large population groups. I think of young men, for example, in my city, the City of Chicago, the city that we call the "city of the big shoulders," a city where more than 50 percent of all of the young African American males between the ages of 16 and 22 do not have a job, do not go to school. How could there be anything other than poverty in a situation like that? I run into individuals in their early 30s who have never had a job in their entire lives, never had a job, who automatically then become a part of the underground economy in many of these areas where we see concentrations of poverty.

I was hoping that we would use this opportunity, but it is clear that that is not the direction in which we are headed. This provides us with a tremendous opportunity to develop massive training programs for individuals so that they can go back and rebuild their own communities, rebuild their own homes. They could develop the skills, and they could experience something that they have never done before in their lives: They could have a job. They would have the opportunity to work.

But even if they get the opportunity, are we saying that they can be paid less than minimum wage in some instances? Where they are almost put back into a slave-like condition, where they are working but at the end of the week have not earned enough for basic food, shelter, and clothing?

So I am afraid that not only is the mishandling something that happened immediately, but it looks as though we are going to mishandle the rebuilding and the reconstruction and the redevelopment of those affected areas.

So I join with my colleagues in suggesting and calling for a real effort on the part of the administration to make sure that those individuals get a

chance not only to live, because a fellow named Thomas Wolf said something once: "To every man his chance, his golden opportunity, to be and to become whatever his talent, manhood, ambition, and hard work will combine to make him." And, of course, if Wolf was around today, he would probably say "him and her," or "her and him." That is supposed to be the promise of America, and that is what we call upon the American people to make sure comes out of the tragedy of Katrina.

Ms. LEE. Mr. Speaker, I want to thank the gentleman from Illinois for that very eloquent statement.

Let me just say in reference to the comment made by the gentleman from Michigan (Mr. CONYERS) earlier and the gentleman from Illinois (Mr. DAVIS) in terms of the President taking responsibility, which he just said he would take, I think it really warrants us to ask the question, why was he so irresponsible early on in responding to this great tragedy? And that answer has to be gotten, I think, for all of us to be able to understand the direction in which he is going to move. Tomorrow he is going to talk I think about his plan and response, but I would just hope that he would talk about his plan to eradicate poverty by the year 2010, and that is what many of us are working toward.

I would like to now yield to the gentlewoman from California (Ms. WATERS) who all of her life has worked to eradicate the conditions which give rise to this very obscene and immoral condition which so many millions of Americans live in.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. LEE) for organizing us this evening to talk about poverty. As a matter of fact, I know that the gentlewoman from California (Ms. LEE) had already began to organize around the issues of poverty and had been trying to focus us for some time to really get involved in unveiling what is going on in America. And, despite the fact that there are so many competing interests and despite the fact that not enough Members of Congress have the courage to talk about poverty or race or class, Katrina has brought us face to face with what is wrong in America.

As we stand here today with this picture from Newsweek, with this child's face, this baby's face with the tears running down, the caption: "Poverty, Race, and Katrina: Lessons of a National Shame," we are forced to have to deal with these issues of poverty, race, and class.

There was an interesting debate going on when this hurricane first struck. The journalists would say to African American legislators, did race have anything to do with this? They were looking for the confrontation, helping to draw out the right-wing conservatives so that they could say what they normally say when we begin to describe what is wrong in America: Ah, there they go, playing the race card

again, or trying to marginalize someone when they dare to get up and talk about race, poverty, and class.

Well, what is interesting about this discussion is every journalist who confronted an African American legislator raised the question until finally I said to them, you are asking this question so often, you must know something. You must know something that you want to talk about. Do you think this is about race? And so I say to my colleagues I have decided, based on what has happened with this horrendous disaster, that we must talk about class, race, and poverty.

As a matter of fact, as I sat in my bedroom watching the 20,000 or more people sitting outside the convention center and I heard the head of FEMA, Mr. Michael Brown, say that he did not know they had been sitting there for 3 days, they were without water, they were without food, they were without lights, and that coming on the heels of what had happened in the dome where the evacuees were placed, no electricity, toilets not working, food ran out, water ran out, I got up from my seat and caught a plane and went to Louisiana, because I could not sit there any longer watching what was happening to the most vulnerable people in the world.

Going there, going to these shelters, going to the Louis Armstrong Airport, watching people suffering, thousands of people without water, without food, without medical care, old women in wheelchairs who needed their medicine, people with diabetes and high blood pressure and the morgue that was being placed right there in the airport to accommodate the people who were dying on the sidewalks, I decided that it may not be politic to talk about race or class or poverty, but, Mr. Speaker, when I came to this place, I came to talk about those issues, and I decided that I, too, had been organized by the right-wing and others not to confront the issues in ways that I know I feel deeply about.

So I do not care what happens and from whence it shall come. In addition to everything that I do, call me whatever you want to call me, say that I am playing the race card, say whatever you want to say. I am going to talk about race, I am going to talk about poverty, and I am going to talk about the class issues of America.

We are brought face to face with these issues, looking at what happened in New Orleans. The population of New Orleans is 448,000 people; 67 percent of the city's population is African American. About 27 percent of the population lives below the poverty line. The city's median household income is \$27,514. Two in 10 households in the disaster area had no car, compared with 1 in 10 nationwide. About 4.5 percent of the disaster area received public assistance. Nationwide, the number was about 3.5 percent. In 2000, New Orleans had the fifth highest poverty rate and the fourth lowest household income of major American cities.

In the lower ninth ward neighborhood, which was inundated by the floodwaters, 98 percent of the residents are black, and more than a third live in poverty. Sixty-five percent of these families are one-parent families. The housing in New Orleans is much older than the national average, with 43 percent built in 1949 or earlier, compared with 22 percent for the United States and only 11 percent of them built since 1980, compared with 35 percent for the United States.

□ 1715

New Orleans public schools are 93 percent black; 55 of the State's 78 worst schools are in New Orleans. The State of Louisiana rates 47 percent of New Orleans schools as academically unacceptable, and another 26 percent are under academic warning.

About 25 percent of New Orleans adults have no high school diploma, and we can go on and on and on. Louisiana has the largest percentage of children living in poverty, 30 percent.

Louisiana and Mississippi have the highest infant mortality rate in the Nation, 10.3 percent per 1,000 births. Louisiana and Arizona have the biggest teen dropout rate in the Nation. Well, as we travel around the Nation and we take a look at poverty, today we are talking about New Orleans, but let us take a look in St. Louis, Missouri, let us take a look in Philadelphia, let us take a look up in Harlem, let us take a look in Appalachia. Let us take a look at poverty in America.

We cannot continue to place our heads in the sand. Why do we have this poverty? Why it is that public policy no longer discusses poverty, race, and class? It is because the right wing conservatives have been very successful at silencing those of us who should be discussing it.

They have pulled every trick in the book. They have their talking heads on Fox Television and other right wing stations that are basically undermining us and basically denigrating us whenever we talk about these issues.

But, ladies and gentlemen, I am convinced that we are going to have to do this, not only for ourselves but for America. The attitudes that have come out of this hurricane, the President's mother, Mrs. Barbara Bush, said the people in the Dome were disadvantaged anyway, they were better off.

Attitudes. You know, people want us to say the President went into the White House and said, we are not going to go to New Orleans to help the black people. No, we are not saying that. We are not saying that it is that obvious, that it is that overt. It is about attitude. It is about the kind of attitude that drives your actions.

When you have Barbara Bush saying, well, they are better off. People who are dying in the Dome, people who are dying outside of the convention center, they are better off, so why should we care? I mean, it is that kind of attitude that leads to the kind of policies and

the kind of marginalization that leads to a lack of concern and resources for the people who so desperately need it.

Attitudes. We have one of the Members of my committee that I serve on, the gentleman from Louisiana (Mr. BAKER), who said God had done what we had not been able to do in getting rid of public housing. Attitudes that lead to the kind of decisions that result in racist actions.

In addition to all of this, we find that there are things still going on in Louisiana that we thought we would never see again in life. There were a group of people who were told to cross a bridge to get to safety and to high land.

These African American women and men, for the most part, with a few whites with them, started across the bridge to a little town called Gretna, I believe. And they were met by the police officers with guns. And they shot their guns over the heads of women and children, mostly African American women and children, and said, get back over to New Orleans, this is not the Superdome, we do not want you over here. You cannot come over here.

And for those people who managed to get past them at the end of the bridge, they came and they took their food and their water away from them and drove them back on the other side of the bridge.

Ladies and gentlemen, I would not be worth my salt if I did not direct my attention to these atrocities. I would not be worth being elected to the Congress of the United States of America if I did not stand up for the least of these and the most vulnerable of these.

We have seen the face of poverty. It was reflected in a profound way, people trapped and died because they did not have transportation. People died because they did not get rescued. Their government let them down. People said do not point the finger. How many fingers do I have?

I am pointing them all. Because in addition to whatever mistakes were made at the local and the State level, in the final analysis, we have the most powerful government in the world, and they let the people down. They let the people down even though we had the resources, we have the helicopters, we have Navy bases. We found a Navy base over in Alexandria, Louisiana, England Air Force Base, that is boarded up that has 450 rooms, dormitories, that are not being used.

We had ships fully equipped with all of the medical equipment right there right off the coast. Unused. We have the resources. We have the National Guard. We have the money. We have what it needs.

Now, people want to ask me, did it happen because of race? I submit to you that when you have the kind of attitudes that speak like the President's mother, Barbara Bush, who spoke like the gentleman from Louisiana (Mr. BAKER), who acted the way the police officers acted that drove my people back across the bridge shooting guns

over the heads of women and children, that results in racist acts.

It results in the kinds of decisions that marginalize, that deny, that cause people to die and to be harmed unnecessarily. And so poverty is an issue that we must pay attention to.

Today, we are focused on New Orleans; but tomorrow, we have got to focus on poverty all over the United States of America, whether we are talking about New Orleans or any of the other cities that many of us represent.

I am grateful to be able to be in good strength, and I am grateful that I have found my courage again, the courage to do what we should always do. I am so grateful that I am resigned, and I have resolved that this Congress is going to hear about this day in and day out.

Never again shall I find myself in a position where I am crying and lamenting after the fact. I have got to be in the faces of those who make public policy. I have got to use my influence. I have got to do everything that I can possibly do.

The President of the United States does not back up. They are in our faces. Yes, Mr. Speaker, he gave another no-bid contract to Halliburton. We have criticized him time and time again about Halliburton and the fact that they stole our money in Iraq, they cheated us. But they do not back up. They stay in our faces with their policies, and we have got to stay in theirs.

Ms. LEE. I want to thank the gentleman from California (Ms. WATERS) for that very clear and powerful statement also. If there was any doubt who was left behind in the Gulf region, I think the entire country knows now who was left behind.

Let me yield now to the gentleman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I would like to take this opportunity to commend my sister colleague, the gentleman from California (Ms. LEE), for introducing comprehensive poverty legislation of which I am a proud cosponsor.

It is high time that we talk about poverty; and when we talk about poverty, I would like for everyone to see this beautiful black face, this beautiful black baby, who has a tear rolling down her cheek, which epitomizes in so many ways the conditions of Black America which now have been revealed for all of the world to see.

But I came down here not to take very much time, but to say to my sister colleague that she said she was not going to play the race card.

Well, you do not have to, because the gentleman from Louisiana (Mr. BAKER) already has, if the reports from The Wall Street Journal are correct. And so I would just like to read into the RECORD what it is that The Wall Street Journal says that the gentleman from Louisiana (Mr. BAKER) had to say.

He said, according to The Wall Street Journal: "We finally cleaned up public housing in New Orleans. We could not do it, but God did."

Now, when the gentleman from Louisiana (Mr. BAKER) made that comment, he was talking about that baby. And there are some of us, some of my colleagues outside of this body, who are very concerned about what the gentleman from Louisiana (Mr. BAKER) had to say.

But I also know that the mainstream media do not always get it right. So I would like to hear publicly from the gentleman from Louisiana (Mr. BAKER) to see if this is exactly what he said and what he meant.

Because, if it is, I can guarantee you there will be many people who will have something to say to him. The public policy we make here is all about attitudes, and when you have got this kind of an attitude making public policy, you cannot help but have tears rolling down the faces of America's children.

Ms. LEE. I want to thank the gentlewoman from Georgia (Ms. MCKINNEY) for her very passionate statement and for asking the tough questions, as she always has and will continue to do.

I would like to now yield to the gentleman from Alabama (Mr. DAVIS). We all know that poverty knows no boundaries. We see high incidences of poverty all over our country in rural and in urban areas.

We know much of your community is a rural community steeped in poverty.

Mr. DAVIS of Alabama. Thank you for organizing this Special Order tonight. Because our time is limited, I want to make my remarks suitably brief. But I want to pick on something that has been a theme of what I have heard from a lot of my colleagues in the last several minutes.

We have talked a lot, appropriately, about the question of national will in this country of ours, and I am reminded that several hours ago we passed a resolution on the floor honoring a woman named Rosa Parks who was a seamstress in the city I was born in, Montgomery, Alabama.

When Rosa Parks made the decision to stand up by sitting down, by refusing to give up her seat on the bus, my grandmother was a 46-year-old woman who lived in Montgomery; my mother was a 12-year-old child. And they both vividly remember at times when they were escorted or asked to leave the front of the bus, to go to the back.

And in that generation of Americans, there was a certain percentage of people who felt that, well, it is just the way it was. There was a certain percentage of people who felt that racial segregation, separating people based on color, was just in the fabric and the atmosphere of what we were as a country.

And when the Rosa Parkses of the world asserted themselves, a lot of people dismissed their effort. A lot of people said that it is a quixotic venture.

And here we are 50 years later with a whole lot of political power for this community, a whole lot of an ability to stand here and to talk about these

kinds of questions. We are a long, long way from the Montgomery, Alabama that Rosa Parks and my mother and grandmother lived in.

What has changed about that 50 years is our will changed as a country. Our sense of what we would and would not tolerate changed over a period of time, and that which seemed tolerable many years ago, all of a sudden came to be seen as intolerable. It is my sincerest hope, as a Member of this House, that when our time is long done, when the youngest of us here have left this body, that some group of Americans will look back and they will say that we managed to take these questions of poverty, impenetrable, cutting, wounding poverty, off the table, that we somehow managed to find a way to build enough of a net in this country that everyone who tries to build a family has a maximum opportunity to do it, that we managed to build enough of a net in this country that when anyone gets sick, that we find a way to give them a quality of care, that we found a way to build enough of a net in this country, so that if there is an ambition in our children, the ambition will always be rewarded.

The hope that I have is that we will one day reach a point where these kinds of questions come off the table, just as the question of what side of the bus you can sit in came off the table. If we are going to get to that point, it will require a lot more than the reaction to Hurricane Katrina.

It will require a lot more than the reaction to the Gulf that was exposed in New Orleans. It will require a sustained commitment to be serious about these questions. It will require a sustained commitment to talk about issues of day care for working mothers, issues of health care for indigents, issues of exclusion for all kinds of groups who have been marginalized in America.

But I think those things are within our reach. The reason I think so is because I think that we have the capacity as a country to come back to a vocabulary and a dialogue of national greatness. We have the capacity as a country to talk about a vision that will make America great, that will not simply be based on the force of our arms, that will not simply be based on our intercontinental ballistic missiles, but will be based on the quality of the institutions that we build.

□ 1730

I will end by mentioning someone that I know inspired many of my colleagues in this body, Robert F. Kennedy, the Senator from New York who died seeking to change the country by winning the presidency.

He often ended his speeches by saying, "Some men see things as they are and say why? I see things that never were and say why not?"

That has to be the constant challenge of all the Members of this institution who style themselves as progressives. The constant challenge has

to be that we will see a range of visions, a range of opportunities and quality of life for our people that we have not previously seen and that we will have a national will to move toward that time.

So I thank the gentlewoman for organizing this event. I thank my colleagues for speaking.

In the final seconds I have here today, I will simply make the point that all of our citizens in this country ought to understand that we are impacted when some of our people do not share in the same circle of opportunity, but yet they are working and striving and pushing themselves every day to do it. That exclusion and that absence does not just wound African Americans, it does not just wound Latinos, it wounds everyone in this country that shares our national identity.

Ms. LEE. Mr. Speaker, I thank the gentleman for his statement also raising the need for sustained commitment, because that is what this country and the President must do and develop a plan to eradicate poverty by 2010.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I want to commend the gentlewoman from California (Ms. LEE) for her bill, H. Con. Res. 234, to require the President to immediately present a plan to eradicate poverty by 2010. Her resolution is indeed timely.

Hurricane Katrina has rubbed away the scar tissue from a festering national wound which is poverty and the growing economic divide that continues to afflict our great Nation.

Mr. Speaker, only a few weeks ago, the U.S. Census Bureau released its annual report on poverty income and health insurance coverage. The report documents that poverty rose by 1.1 million people from 2003 to 2004. The number of Americans without health insurance also rose from 45 million in 2003 to 45.8 million in 2004. Shame.

The facts presented by the Census Bureau report are incontrovertible. Poverty is on the rise throughout the United States of America, and let me briefly cite a few other startling facts taken from the latest Census report.

In 2004, 37 million Americans lived in poverty, up by 5.4 million from the previous year.

More than one in six American children now lives in poverty.

The poverty rate for African Americans was 24.7 percent in 2004. The poverty rate for Hispanics stood at 21.9 percent for the same year.

The real income of American households declined in 2000 among all income groups.

In my home State of California, 13.2 percent of its residents, or 4.4 million people, currently live in poverty; and 18.5 percent of Californians, or 6.7 million people, do not have insurance coverage.

The U.S. Census report is not the only recent document that details the

growth of poverty in the United States. Today, President Bush addressed the opening of the United Nations World Summit on Poverty and Reform. Earlier this month, the U.N. released a shocking report on global inequality that is critical of American policies towards poverty abroad as well as here at home.

Among its many startling conclusions, the U.N. report reveals that infant mortality has been rising in the United States for the past 5 years and now is the same as Malaysia. America's African American children are twice as likely as whites to die before their first birthday.

The U.N. report also notes that although the U.S. leads the world in health care spending, this high level goes disproportionately to the care of wealthier Americans. It has not been targeted to eradicate health disparities based on race, wealth and the State of residence.

Countries that spend substantially less than the United States have, on average, a healthier population.

For a century in the U.S. there has been a sustained decline in the number of children who died before their first birthday. But since 2000 this trend has sadly been reversed.

The U.S. is the only wealthy country with no universal health insurance system. Shame on us.

The United States, along with Mexico, has the dubious distinction of seeing its child poverty rate increase to more than 20 percent.

The U.S. ranked 17 out of the 18 OECD countries in the highest level of human and income poverty. The only OECD country the U.S. is ranked ahead is the country of Italy. Even Ireland ranks higher.

Poverty is a systemic issue, and we need to move on it now.

ERADICATE POVERTY

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under a previous order of the House, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes.

Mr. WATT. Mr. Speaker, I simply want to thank my colleagues in the Congressional Black Caucus who are taking the time and consistently putting forward this message that poverty and race and the convergence of them in this country must be an issue that we deal with.

I found it extremely ironic as Chair of the Congressional Black Caucus that it has taken a disaster like Katrina to refocus attention on the issue of poverty in this country. In fact, it has been interesting to see how this has evolved, because the Congressional Black Caucus has been dealing with this issue of poverty and the disparity in economic means between African Americans and other Americans in this country this entire year.

We developed an agenda in January of this year which was printed, re-

leased, covered and written about in the press. Press people were calling me, saying you have positioned this in a different way than it has been positioned in the past. And then all of a sudden what I found was quietly into the night the discussion about poverty and the convergence of poverty and race and class went quietly into the background.

What has been interesting since Katrina occurred is that the same press people who wrote about our positioning of this issue have been on the phone to me, saying why have you all not been talking about this? Why have you not kept this issue of race and class and poverty in front of us? We should have been talking about this.

And I have to remind them that, yes, look, you wrote about this in January and February of this year, and you must have forgotten about it. We have not forgotten about it. We have been talking about it all year.

It did not take a hurricane to make us patently aware that poverty exists in this country. In fact, what I would submit to you is if the same kind of catastrophe occurred in any city in America and the same amount of advance notice was given to the people of that city, the people who would get out would be the high-income people. They would heed the notice. They would have the resources to move away from the disaster that is coming down the pike. And the people who would not be able to heed the notice and the entreaties to get out of harm's way would be poor people; and in every city in America, every place in America they would be disproportionately African American, Hispanic and other minorities.

That is not only true of a hurricane. When you are poor, you cannot get away from bad health conditions, because you cannot take the preventative steps that you need to take to get treatment. When you are poor, you do not have the option of sending your kids to private school to get them away from bad schools. You do not have the option of doing a lot of things that we take for granted in this country.

So maybe my staff member is right. We do not like to talk about that in this country. We do not like to talk about poverty in this country because we have this notion that we all are equal. We are not equal except in writing.

Under our Constitution, we are created equal. We are supposed to be given equal opportunity, but when somebody starts at the 70 yard line in a race of 100 yards and somebody else is starting at the zero yard line, making up that difference is an impossible task, and we have got to recommit ourselves to making up that difference. It cannot be done just by people running faster and harder and longer. We have got to commit ourselves as a Nation to fighting poverty and its convergence with race.

WINNING THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I thank the Speaker for the opportunity to address the House this evening, really by way of reporting on a congressional delegation trip that I had the privilege of leading at the very turn of this month, the very last days of August, the very first days of September.

Our journey took us on a diplomatic mission through Egypt. We met with military commanders at Central Command in Qatar. But clearly the most memorable and meaningful time of our trip, which included the gentleman from Texas (Mr. HENSARLING), who we will hear from in a few moments, and three of our Democratic colleagues, the gentleman from Tennessee (Mr. DAVIS), the gentleman from Hawaii (Mr. CASE), and the gentleman from North Carolina (Mr. MCINTYRE), it took us for two full days into Iraq.

I rise tonight anxious to hear my colleagues' reflections on this trip and trips that they have taken as the gentleman from Iowa (Mr. KING) will join us. But I rise today to make a very simple assertion, that from what I saw on the ground, flying into Baghdad on C-130s, flying around to outpost bases far outside the Green Zone in Baghdad, far outside the safety net of the center of our operations in Iraq, what I herald from the soldiers, not just in official meetings but in informal interactions and what I heard from our commanders was a simple message: We are winning the war in Iraq.

□ 1745

I know, Mr. Speaker, that that is a very different message than most of the American people, some of whom may be looking in tonight, are getting from national television and from the newsprint.

The headlines today were resplendent with over 100 killed in a series of car bombs and suicide attacks in Iraq; but let me say emphatically again, from our meetings with General Abizaid at CENTCOM, to General Petraeus in Baghdad, our meetings with members of the 3rd Infantry Division and A Company of the 138th Signal Battalion from Indiana in Ramadi, I heard it again and again: we are winning the war in Iraq.

That is not a slogan. It is an objective fact, based on a few simple observations, because as many who are strenuous critics of the war would assert, we have endured casualties, the precise number still less than 2,000, but every single loss, including the 10 heroes from my congressional district, is grievous to every single family. I will not for a moment trivialize a single American loss; but as we heard from one soldier after another, some with four stars, some with one, some with

corporal bars sitting on top of amphibious assault vehicles in Ramadi, as I was with Lance Corporal Ty Cotton, but soldiers understand that you do not define victory in war by the absence of casualties.

When the U.S. Marines went ashore in Okinawa in 1945, April, we lost 10,000 soldiers in that military engagement and we won. We won the battle on Okinawa. It remains one of the great military victories in American history, because as we lost 10,000 American soldiers, the Japanese lost 200,000 soldiers in the same engagement.

Let us begin there in the definition of victory in Iraq. While we have lost somewhere shy of 2,000 soldiers in 4 years of fighting, and today we have 140,000-some-odd soldiers within Iraq, according to information we received, enemy casualties run from 20 to 30 to one American casualty; and more compellingly to me as we were informed, the number of Iraqi military personnel fighting on our side in uniform compared to our casualties is three to one. Three Iraqis in uniform, fighting for their own freedom, have died for every American fighting for their freedom in Operation Iraqi Freedom.

Beginning with that large statistic, Mr. Speaker, it is undeniable: we are winning the war in Iraq. As I will discuss later, literally hours before the gentleman from Texas (Mr. HENSARLING) and I and our colleagues touched down at the landing zone at the military base at Balad, there had been a mortar attack, a pretty typical engagement with the enemy, as near as was represented to us.

Two mortars were fired into the American base. They were tracked through extraordinary technology and professionalism from literally moments after they were fired, several thousand yards from the base. The incoming mortars were determined to be landing in an area where they did not threaten a significant amount of American military personnel. They did destroy two trucks, I believe, both of which were still on fire as we were landing on the base; but when we went into the command center at the Balad Air Base and saw the full report on that engagement, we learned that within 3 minutes of the launch of the mortars, American military personnel had identified where the mortars were fired.

Within minutes after that, American surveillance drones, known as Predators, flying overhead were able to surveil and identify up to 13 different insurgents who were making egress from the site where they had launched the mortar; and within 12 minutes from the time of the launch, all 13 of those insurgents were killed in a Hellfire missile attack on their location.

The intelligence, the military precision, no American casualties, 13 Iraqi casualties. We are winning the war in Iraq.

As we sat with General John Abizaid at Central Command in Qatar, pictured

here in this photograph, we had a very intense and intimate hour with the four star general at Central Command; and before I yield to the gentleman from Texas (Mr. HENSARLING), my colleague, I want to share with my colleagues, without compromising any confidence, a conversation that I had with the general, which basically was derived from a recent stop that I made at the American Legion Hall in Selma, Indiana.

Mr. Speaker, Selma, Indiana, probably has the population of this House of Representatives when it is filled, maybe 500, 600 people. I popped into the Legion Hall about a week before I went to visit Iraq. I walked into the Legion Hall, and there were several guys, a few of them bellied up to the bar, a few more sitting around tables and chairs and playing cards; and as I said to General Abizaid, the guys at the Legion in Selma, Indiana, were concerned about what they were seeing on television. They wanted to know what is going on, did the soldiers over there have a cause, are we in this for the right reasons. I took by their meaning how are we doing in Iraq.

I told them I was leaving in about a week and I called the question and I had asked the brass and the regular soldiers. So I asked General Abizaid that very question. I said, General, what do I tell the guys in the Legion Hall in Selma, Indiana? Four Star General John Abizaid said in words that still ring in my ears, sitting at this table, he turned and looked at me, me here, him there, in his private office and he said, Congressman, you tell them we are winning the war in Iraq.

Then he explained it. He talked about that ratio of, yes, there are Americans that are dying, but 20 to 30 enemy insurgent soldiers are dying for every American that has fallen. Then he went on to point out that at no time in 4 years of fighting have we ever lost a military engagement to this enemy, never. Every time the enemy has engaged our forces, we have defeated them and defeated them summarily.

Another statistic that General Abizaid shared with me was the simple statement that we have never lost a full platoon in a military engagement with the enemy in this theater of combat.

He conceded that being a combat soldier, being a military man, knowing the ruthless nature of the perhaps even 10,000 insurgents that we are dealing with in Iraq, that he had assumed that maybe at this point they would have figured out how to launch and ambush, as they had done many, many times and maybe catch us unawares.

The Confederate Army caught the Union Army at Shiloh completely unawares. In war, people make mistakes, people end up exposed. The general basically said, in 4 years of fighting, I would have thought that they would have figured out a way to defeat a full platoon, but they have never done it. Every time they have engaged our forces, we have defeated the enemy.

He went on to say that the answer here is not entirely military; but, rather, that as we went out to Camp Caldwell along the Iranian border, as we went up to Balad, as we went out to Ramadi, we saw these are soldiers that are not only engaging the enemy successfully and not only defeating the enemy in military engagements, one after another, with professionalism and courage and precision, but they are also training Iraqi soldiers.

These are the two hands. The American soldier in Iraq today is doing the work of defeating the enemy, and at the same time, many of the same personnel are also training Iraqis to provide their own defense, and the statistics are rather overwhelming and impressive.

In the last 12 months, we have stood up in uniform over 100,000 Iraqi soldiers for the defense of their own country. Literally, 100 battalions have been stood up, a little bit more than 100 battalions, but roughly 100,000. As the general told us and the men on the ground told us who are training these soldiers, they are on track to stand up another 100,000 Iraqis within 12 months, Iraqis who would be able to take over their own security of their nation, both internal and ultimately external security.

Of the 100,000 Iraqis, roughly 30,000 of those are deploying every day with American soldiers. One full battalion, we were told, is fully independent and has to do with old tribal loyalties, and they can handle themselves and we let them handle themselves; but the balance of some nearly 29 battalions of nearly 1,000 men each are deploying either on point as we did along the Syrian border last week when literally Iraqi military personnel led the charge, defeating insurgents and killing insurgents along the Syrian border, or they are going right alongside with us.

So for those who want to minimize that, it is an extraordinary thing.

I will never forget it was Labor Day, the day that we were at the military base at Camp Caldwell near the Iranian border. So, of course, it is a military base, there was a Labor Day picnic going on. As the gentleman from Texas (Mr. HENSARLING) and the gentleman from Hawaii (Mr. CASE) and the gentleman from Tennessee (Mr. DAVIS), who had an awful lot of Tennessee Volunteers there, National Guard from Tennessee, urged us, we went to the Labor Day picnic. What a sight it was to see the American military personnel letting off a little steam, of course playing blue grass music; but the most awesome thing was walking on to a volleyball court and half of the people playing volleyball in T-shirts and shorts were Iraqis. Here I am at a Labor Day picnic at a military installation, along the Iraq-Iran border, and half the people playing volleyball with the Americans were Iraqis, the people that we were training.

In fact, we learned there at Camp Caldwell that in a matter of 3 to 6

months, when the Tennessee Volunteers, the National Guard, head back to Tennessee, they are not going to be replaced by American military personnel. They are going to be replaced by Iraqis, which is a statement of success. It affirms we are winning the war in Iraq. We are standing up an army, 100,000 now, and 12 months, 200,000 Iraqis in uniform. We are defeating the enemy. We have never lost a platoon or a military engagement.

I say, Mr. Speaker, with great respect to my colleagues and anyone else listening in, we are winning the war in Iraq; and it is time the American people began to hear that and hear that consistently. We are winning the peace.

As we prepare, we met with Prime Minister Jafari, we met with the ministers of interior and defense. October 15, the people of Iraq will vote to ratify, and it is my fondest hope and prayer that they will ratify, a constitution of their own making. This standing up of a legitimate government in Iraq, the standing up of an independent army of Iraqis in Iraq, and ultimately, the drawing down of American troops as Iraqis take responsibility for their political and security future is in the cards. It is happening. I know it is not making it on the evening news, Mr. Speaker; but I have seen it with my own eyes. I have heard it from our soldiers, not a one of which does not believe in the mission.

I will yield to the gentleman from Texas (Mr. HENSARLING) with this final thought. We must have talked to thousands of soldiers in the field, and I say that with absolute sincerity. We spoke to them in official meetings. We spoke to them on C-130s flying into the country. We talked to soldiers who knew where we were and who we were and soldiers who did not know who we were and knew that we would never see them again. I did not meet a single soldier anywhere in Iraq in the uniform of the United States of America who did not believe in this mission.

Every single soldier with whom I spoke said variations of the theme: we need to be here, sir; everything I have seen, we are doing what needs to be done; we have got to stop these guys right here.

We are winning the war in Iraq because of that kind of courage, that kind of determination. So allowing for my passion on this point, I yield to the gentleman from Texas (Mr. HENSARLING), a colleague who journeyed with us on this trip; and if I may say without embarrassing him, at a time when his own family was dealing with the tragic circumstances around Katrina, his own father-in-law, grandfather of his children, out of communication in New Orleans, but he was still willing to go into harm's way to be among the soldiers, and I commend him. I commend his wife, Melissa, for their dedication to our country.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I especially thank him for his leader-

ship in this body. As the chairman of the Republican Study Committee, the largest caucus in Congress, the gentleman from Indiana (Mr. PENCE), my colleague, his leadership is second to none in this institution.

□ 1800

I am happy to call him my leader in the Republican Study Committee and to call him my friend. I was very grateful, Mr. Speaker, that he would invite me to join him on this trip over to Iraq.

It was very important for me, Mr. Speaker, that I travel over to Iraq. I thought it was important for a couple of reasons.

Number one, I thought it was very important to say "thank you" in person to the brave men and women who don our Nation's uniform and put themselves in harm's way so that we can live in a safer and more secure America. It was very important, I think, that these people hear in person, face to face, where they are sitting and fighting the battle for freedom and security, that they hear from us in person the Nation's gratitude for what they do.

I know it has been said before, but I do not know where our Nation finds such brave men and women to go and do this. It is so heartwarming that we in America have an all-volunteer military that produces such great men and women. So I wanted to thank these people in person.

Second of all, Mr. Speaker, as a Member of the United States Congress who has supported these troops in the field, we all know here in this institution that we are privy to a lot of briefings by three- and four-star generals. It is not that often, however, that we can get briefings from three- and four-stripe sergeants, those who are truly on the front lines of this effort; and I thought it was very important that I speak to these men and women as well.

I want to echo what my colleague had to say, and that is that we are winning this effort. That is not to deny the reality of what we see on the news every night and, as my colleague said, not to trivialize it, because the cost of this war is incredible. It is a terribly costly war in terms of blood and in terms of money. There is no denying that reality.

But in our living rooms back home, Mr. Speaker, and I come from Dallas, Texas, there is another reality that somehow never makes the 6 o'clock news, nor does it ever make the front page of my daily newspaper.

For example, no television station has ever shown up at my home in East Dallas at 8:30 p.m. to film either my wife or myself tucking our two children into bed in a safer, more secure America. No film crew has ever come to film that.

In my home of Dallas, no film crew has ever gone to the Northpark Shopping Mall and reported, "Today there was no suicide bomber at Northpark

Mall." You will never read that story back home in Dallas, Texas.

You will never read a newspaper headline saying, "Today no one rammed a car filled with explosives through Mesquite Poteet High School." You will never read that story.

Yet I believe that because of what we are doing in fighting this war against terrorism, because of Operation Iraqi Freedom, we do live in a safer and more secure America.

Now it is no accident there has not been another attack since 9/11. That is not to say one could not happen tomorrow, but we will never win this war playing defense. We will only win this war playing offense. For the sake of our Nation, for the same of this generation and the next, we must win this war on terror. And there is no substitute for actually going to a place, Mr. Speaker, and talking to people and observing for yourself.

There are a lot of different statistics I could quote in how we are winning the war on terror, but let me share a few stories, a few observations I have which really spoke volumes to me.

First of all, traveling around Baghdad in an Army helicopter, all over Baghdad we saw the rooftops riddled with satellite dishes, something that was illegal in the regime of Saddam Hussein. The seeds of freedom of speech that have been planted in that country are fundamental to growing this democracy, this nascent democracy in this very vital part of the world. Satellite dishes all over Baghdad with now multiple sources of information and news that has not been seen in Baghdad in decades and decades and decades.

Now one of the programs they apparently receive on this satellite dish, and I did not see it myself but I had a soldier describe it to me, is a program entitled "Angry Mothers." I guess in America the show would be part of our reality TV series. But when we watch American television, we only get the indication that all of the Iraqi people are either insurgents and terrorists or they cower in their homes. But that is not the reality that we saw. In this program entitled "Angry Mothers," apparently when some of the insurgents are captured, they allow the mothers of those who have been wounded or killed by the insurgents to confront them. And although I do not know nor do I care to know how to curse in Arabic, I assume a fair amount of the show has to be censored.

We never see those pictures of the Iraqi people themselves confronting the insurgents and confronting them about their evil deeds and their evil purposes, but, Mr. Speaker, it takes place. It takes place every day, and it is taking place throughout the Iraqi television network.

Something else. In going to these various military bases that my colleague, the gentleman from Indiana (Mr. PENCE), described, whether it be Camp Caldwell or Camp Liberty, it was described to us that about 6 months

ago there might be two or three mortar attacks every day, and today it may be two or three a week. Mr. Speaker, it is still war, but it is progress. It is progress.

We heard a tragic story, and we have seen it in the news before, how at one of the many recruitment stations, where the Iraqi people will volunteer to help rebuild their country and be a part of their military service or to be a part of their police force, how at one of these recruitment stations the insurgents successfully bombed and killed many of the recruits. Well, Mr. Speaker, 24 hours later they had that recruitment station back open, and the exact same number of recruits showed up again. They knew what had happened. They wanted to be a part of building the new Iraq. Again, Mr. Speaker, I believe that is progress. That is helping win this war.

Human intelligence is a very vital aspect of fighting this war. Now, increasingly, more of the Iraqi people are helping locate the bad guys. We heard a story about an insurgent who was armed and who broke into a house. When Iraqi and American troops, working together, managed to go to this home and knock on the door, this insurgent informed the troops that he was the cousin from Baghdad of the lady of the house. Notwithstanding the fact she knew this insurgent had a gun, she said, "No, sir, he is a terrorist. Take him away." That might not have happened 6 months ago in this country, but it is happening today, Mr. Speaker. And that is more and more progress in this war against terrorists.

Mr. Speaker, again let me just go back and talk a little about all the troops we met and reinforce a point that was made by my colleague from Indiana. Again, I am just so proud that I had an opportunity to meet with these brave men and women.

I remember hopping on a C-130 with a corporal out of Las Vegas, Nevada. He had just come back from 2 weeks of R&R, rest and relaxation, back home, and he has a family. He is married, and he has children. I said, "Corporal, I guess you wish you were still back home." And he said, "No, sir. Today my unit needs me more than my family." Mr. Speaker, that is the incredible level of commitment that we see.

I remember meeting a young captain from Indiana, the home State of my colleague who led this delegation. We asked him about what does it mean to him and his family to be there. He said, very sincerely, "I hate being here. I hate being here, but I love my job, and I know how important it is to my country and my family that I succeed." Mr. Speaker, that is an incredible, incredible level of dedication that we have.

So some days, Mr. Speaker, it may be three steps forward and two step backwards. I am not here to say that this is easy work. I am not here to say that it is going to happen tomorrow. We cannot pick up democracy through a drive-in window. There is no such thing as

McDemocracy. It takes a long time to develop it. But, Mr. Speaker, it is not democracies that threaten us, it is these authoritarian, despotic regimes that harbor terrorists, that train terrorists, that finance terrorists, and that seek weapons of mass destruction.

I agree with our President, though some do not, but I agree with him that there are some threats that you must meet before they fully develop.

Who, looking back at the pages of history, if they had an opportunity to stop Nazism and Adolf Hitler in 1930 would not have done it? Who would not have done it? If you had an opportunity to stop what the Soviet Union did in taking over Eastern Europe and holding it captive for 50 years, who would not have stopped that?

Well, I think we have an opportunity to stop this terrorist movement that is taking place and emanating from the Mideast. But we as an American people have to realize that this is not a sprint, Mr. Speaker, this is a marathon. It is a marathon.

The cost of cutting and running is too high, because the elements that would come back and take over in Iraq are the same people who were part of the Hussein regime. They are the same people who put together the despotic regime in Afghanistan. These are the people that would threaten the lives of our fellow countrymen, and that cannot be tolerated.

So, again, Mr. Speaker, I was very proud to be a part of this delegation led by the gentleman from Indiana (Mr. PENCE). I learned so much. I am so proud of our soldiers, and I wish everybody could see the day-to-day progress, this kind of sloppy, halting, but inexorable progress towards democracy that is taking place in Iraq today. Like I said before, some days it is three steps forward and two steps backward, but it is progress. We see it, we know it is happening each and every day, and because of it, I believe ultimately our country will be more safe and more secure.

With that, Mr. Speaker, I will yield back to my friend from Indiana.

Mr. PENCE. Mr. Speaker, I thank my friend for his powerful reflections on an extraordinary trip.

Before I yield to the gentleman from Iowa (Mr. KING), who led his own delegation in August to Operation Iraqi Freedom, I wanted to reflect for just a few minutes, Mr. Speaker, on a few of the soldiers I met from Indiana, the kind of people the gentleman from Texas (Mr. HENSARLING) was just talking about.

In fact, a very detailed version of this appears on my Web site, MikePence.House.gov on our Web log, or blog as it has come to be known. I literally sat down on the airplane flying back from Iraq and typed up my reflections and remembrances while they were still fresh, and I want to excerpt them for just a second, if I can.

This first photograph is my conversations with Sergeant Matt Wright, an

extraordinary young man from Muncie, Indiana, and part of A Company of the 138th Signal Battalion stationed in Ramadi. To speak about the kind of dedication that my colleague just reflected on, as I talked to Sergeant Wright, he said, with the same kind of smile you see in this photograph, he said, "Yes, sir, it is good to have you here. Yesterday was supposed to be my wedding day." And I said, "Did you put it off?" He said, "No, sir. We moved it up 9 months so we could be married a couple of months before I deployed for 18 months to serve my country in Iraq." I mean, here was a man's dedication to his beautiful wife and his dedication to his country on full display. Sergeant Matt Wright.

We began making our way to the mess hall that evening, Mr. Speaker, in Ramadi. And Ramadi is principally the location of an enormous division of Marines who engage every night in the very dangerous patrols of this provincial capital of the west, of Iraq. In fact, many of the military commanders with whom we spoke said, even more than Baghdad, in the months ahead as we make that steady, to use my colleague's term, sometimes halting progress towards democracy and stability, much of the future fighting will take place in Ramadi, and it will be done by these brave Marines.

□ 1815

So we stopped on our way to the mess hall, and these five politicians started reaching up and shaking hands on these enormous amphibious vehicles, and suddenly I heard a voice say, Are you not going to say hello to the only Hoosiers here?

I stopped and looked up and saw this bright, freckled red head, a huge, strapping Marine named Ty Cotton from Anderson, Indiana. Ty leaned down and helped me climb up on that vehicle where we had a chance to visit for just a few minutes. As I talked to Ty about his mom, Marla, back in Anderson, I promised to look in on her and give her a report on how well he looked. We heard the commander in the background yell, 5 minutes.

I asked if there was anything we could do, if he had everything that he needed. And he said shyly, Sir, we have everything we need. I am with a great unit. Then I heard a shout, 2 minutes.

As I started to move toward the edge, I said, Ty, I want you to know the people back in Anderson are praying for you, and he looked at me with that shy smile, and he said, Glad to do it, sir.

We made our way to the mess hall to meet with the balance of the 138 Signal Battalion. I do not know what I expected when we went there. I sure did not expect to see this bright, good-looking group of men and women, faces shining like the morning, morale high, proud to be where they are, even though they are 8,000 miles away from their families. I sure did not expect to hear the optimism in their voices. One of the soldiers said it got way better in

Ramadi in the last year. To hear soldiers say it has got way better, the people on the ground living it, was very encouraging to me.

I was profoundly moved when one soldier after another asked about the families and communities affected by Hurricane Katrina. These soldiers are 8,000 miles away from their families, moms and dads, wives and kids, in 110 degree heat, and they are asking about New Orleans. They are Americans. They are an extraordinary lot.

As our Black Hawk helicopter lifted off from Ramadi, I watched the front lines on the war on terror, and I felt humbled by the men and women of the 138th that you see in this picture; and I felt more confident than ever in the justness of our cause and the war against terror and the belief it is vital to provide these men and women the resources to succeed. That begins by understanding that they are winning the war now, based on their professionalism, their commitment, their courage and the faith I encouraged in them, faith in God, faith in the country, and I say again, their faith in this mission.

I am going to go home this weekend and spend time with people at home, but I know the most bone-jarring thing that I have said to my constituents and colleagues, in two 20-plus hour days in Iraq, I did not meet a soldier who did not believe in the mission. General Mark O'Neill of the 3rd ID, I looked at him and said we appreciate your leadership. He said to me, Sir, it is a privilege to be here, but we have to stop these guys right here.

General Abizaid said to us, I think the most unreported story in America is how dangerous these guys are. If they get hold of this country the way they want to and become a petroleum power, these guys are the Nazis from the 1920s.

To understand that in this environment, as tough as it is, these soldiers are winning the war in Iraq. They are winning it because we have never lost a military tactical engagement. We have never so much as lost a platoon. They are winning it because we have stood up 100,000 Iraqis in uniform in the last 12 months and are on track to stand up another 100,000 in the next 12. And they are winning it because democracy is steadily advancing in a nation conditioned by thousands of years of authoritarianism, but it is advancing nonetheless with a constitutional referendum around the corner. We are winning the war in Iraq.

Mr. Speaker, I am happy to yield to the gentleman from Iowa (Mr. KING), who has been a tireless advocate of our soldiers in the field in Iraq and Afghanistan. He has just returned from leading his own delegation there, and I thought it altogether fitting that he and other colleagues associated with his travels might seize the opportunity of this Special Order to reinforce our firsthand account of what is really happening in Iraq, because what is happening is we are winning in Iraq.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Indiana (Mr. PENCE) and count it a privilege to stand on the floor of the United States Congress with the gentleman from Texas (Mr. HENSARLING) and a number of our colleagues who have come down here to speak out in defense of our country.

I consider it also a duty to go to the Middle East from time to time and Iraq in particular and visit with our soldiers over there. The first time I went was in October 2003. I had some trepidation on my way over there, not so much concerned about myself because once the decision is made to go, security is out of my hands and into the hands of others. But I did not want to be in the way. I did not want to go over there and have people who had a duty to do look and say, What is that Member of Congress doing here? Is he here for political reasons? What is his gig, so to speak.

I had that same feeling when I went to the hospitals at Bethesda and Walter Reed to visit the wounded soldiers. I asked myself, how are they going to react? I found out that they are glad to see a face that cares, a face that is interested in what they are doing and is part of the team. We are part of the team.

As the gentleman from Indiana (Mr. PENCE) mentioned, the kind of spirit, the shining faces that are there, and I wrote down a couple of things. It shifted my agenda here. One is it is an image that I will never forget and it was perhaps a year ago. I went to the hospital at Bethesda and I am scheduled to do that about every quarter to make sure that I have the feel for the kind of sacrifice that these brave men and women are making.

I remember walking into a room. There was a Marine captain in the room who had lost a leg right below the knee. His spirit was good, and he was strong. I said, what is in your future? And he said, I am going to stay in the Marine Corps. I am going to get therapy and get this prosthetic leg and be going, and maybe I cannot get back into combat; but I am a Marine, and that is my profession.

I asked, Is anything else going to change? He said, Yes, my wife and I are going to start a family right away. That is the kind of dedication that is there.

Also, one of the other anecdotes that came to me, when I visited with the 168th National Guard unit out of Sheldon, Iowa, and fortunately I was able to break bread in the mess hall with them, a couple of them had been back home for their 14 days of leave. They were the two with suntans, and they had gotten their suntan in Iowa. One of them said, I have been here, serving here for months and I went home for my 14 days of leave and I started watching television. I thought gracious, things have gotten a lot worse since when I went on leave. I wonder what it is going to be like when I go

back. He came back, and it was just the same as when he left.

The question I continually get asked is, It is our duty to fight the enemy, but why do we have to fight the United States media at the same time?

The media is always looking for the very worst component of the worst element they can find so they can get the maximum kind of sensationalism, but not get that broad perspective of what is going on over there.

So I went over on the 15th of August and came back on the 20th. The heat got up to 128 degrees. A piece of information that I received from those Iowa farm boys, I could never figure out why is it nothing was growing along the irrigation ditches, why there was water and not a blade of grass next to it. Those Iowa farmers, they put a thermometer in the soil, 154 degrees was the soil temperature. We plant corn at 54 degrees. At 154 degrees, it sterilizes the seed and would cook anything to some of the level that they do in the restaurants in this city.

We went to some unusual places. I asked to go to some of those places because I think we need to hear some from that area. I believe we were the first congressional delegation to go down to Basra in the south. We went in there to that region, and there are two ports where the Tigris and the Euphrates rivers come together. There are two ports and most of the water freight that comes in and out of Iraq has to go through there. We visited a port where there is an Iraqi manager who has been there for 8 months. He increased production by 400 percent in 8 months. He did not understand the free enterprise system, however. He did not understand that gross receipts were not profit; you had to subtract the expenses. They are missing a little free enterprise culture, and we can help them with that.

I took a ride in an Iraqi navy patrol boat. Most Americans do not think about Iraq having a navy. They have an 800-man navy being trained by the British Royal Navy. We took a flight right around the harbor. They are proud of what they do.

I was standing there in the headquarters at the command central, the command headquarters in Basra of all of the provinces in the southern part of Iraq, and I looked around me and I started to identify where some of these soldiers were from. I started to look at the flag on their shoulders. In that group of about 15 or 18 soldiers, I picked out soldiers from the U.S., Britain, Australia, Iraq, they are part of the coalition, they are with us, the Netherlands, Romania, and Denmark, all in that cluster of 15 or 18 soldiers, that many different countries represented. I hear the criticism, this is not a coalition. Yes, it is. They are working with each other.

I received a briefing from the British general, General Denton. He filled us in on the current events and the tactics. It is fairly stable in the southern part

of the country. One of the things that he said that will stick with me is, "I can think of no alternative but optimism." I like that phrase. If you do not believe that Iraq can be a free people, it can be a stable country, an oil-producing country, a country that starts to export dates again and the 28 million people there can put their lives back together again, what is your belief? How would you construct an Iraq? How would you want to direct that country if you were not an optimist?

I do not want to be involved in any planning done by anyone other than by optimists. I cannot have a pessimist there, I cannot even have one of those realists there because realists, just by definition, cannot follow a dream. They want to drag down someone else's, but they cannot follow a dream. Our soldiers are there, and they are following a dream. The Iraqi people are following a dream. They have their first grasp at freedom.

We looked at the oil field in the south, the distribution lines, the platforms where they load the oil out on supertankers. There is a lot of oil in the south in Basra. The equipment that is there is archaic. It goes back to the 60s, and it is going to take a lot of capital to get those oil fields back up to the level they need to be to get the country back on a fiscal track so they can fund their own construction and fund their own growth and development of Iraq. They are a long ways away from that.

The country is far more stable, but they need outside capital from other countries in the world and from multinational corporations that will go in and place a bet on Iraq. It will be a very safe bet because the oil is there. There is no question the market is there. With \$70 a barrel oil, that makes Iraq look even better from an economic viability standpoint.

From there we boarded some British helicopters, and the British are great. Their service is good; they are professional. They give you a sense of security. They showed us the ports, and then we landed and walked around and took a look and had a briefing. After we looked at that, we flew over the wetlands where 800,000 Iraqis lived up until a little more than a decade ago when some of them rose up against Saddam Hussein, and he went down and killed about 120,000 of them, drove between 400,000 and 450,000 out of there, and shut the water off.

□ 1830

That area is twice the size of the Everglades, 8,000 square miles; and Saddam drove the population from 800,000 down to about 200,000 by drying them out, starving them out, and just going down and killing them. That was an impressive thing to see; and it is another place that has now been recovered, about 40 percent of the 8,000 square miles, because we have turned the water back into the wetland rather than diverted it away.

And then from there we went up to another place that a lot of Members have not gone to, but some have been up there, and that is up to Kirkuk to the oil fields in the north. And up there, there is so much oil that some of the oil seeps to the top of the ground. Where there is a pool of oil in what one might call a sand trap, there is a puddle of oil in there. It is not a spill. It is natural flowing oil that seeps to the top of the ground.

And there were oil spills too, as one might expect in a country like that. A lot of oil in the north that needs a lot of development, too; and they need to be able to get it to market. And here is one of the reasons why not. This is a pair of bridges, and these bridges were blown during the liberation of Iraq. If I have got the bridges right, and I believe it was this one, there were nine pipelines tied to that bridge that went underneath there, and, of course, all nine pipelines got knocked out.

So we put a lot of those pipelines back together, but one of them is a 40-inch pipeline, a pretty good size pipeline, 40 inches in diameter, so 3½ feet; and each time we would put that back together, then the enemy would blow it again. So we brought a contractor in there to take that 40-inch pipeline and lay it underneath the Tigris River, 25 feet under the Tigris River, by the way, so it is a little hard for them to dig down there and blow that up, and that will give it a little more security. It is one of the pieces of the infrastructure that has been put together.

After Hurricane Katrina, \$18.4 billion almost sounds like loose change but \$18.4 billion across a country of 28 million people the size of California that had been allowed to depreciate, erode, dilapidate itself over the last 35 years or more and a country that needs to be brought back up into the modern era. A country that could not produce enough electricity so they had to turn the lights off periodically, even in the cities that got the preferred power. And now we are distributing power to everybody equally, and the power is up to about 13 hours a day, kind on an average for everybody in Iraq.

But every time we raise the generation up and produce more electricity, then more Iraqis go out and buy the satellite dish, I say to the gentleman from Texas (Mr. HENSARLING), or they go out to buy an air conditioner. And if I had to choose between the two, I would take the air conditioner and skip the television, by the way. But when they buy the air conditioners, the demand for power goes up and up and up, and we cannot quite catch up with the equation of how much generation do we have to put in place before it meets the demand. But we are putting generation in place.

I have here a picture of the mother-of-all-generators. This generator came across 1,057 kilometers of not always friendly territory. In fact, a lot of it was hostile territory. It came in several loads, but there were two big

loads. For me, I am a guy who has hauled some heavy loads. A 400-ton generator, 325-ton turbine, and they came in a caravan with other equipment that was about a mile long, and this has all been set up now and up and going. Actually, it is going to be formally put on line in about January.

But this mother-of-all-generators has been brought all across that territory, could not have a bullet wound in the generator, came through safe and sound, the generator, the turbine, and the rest of that. And they have constructed this together near Kirkuk, and this power will go to a number of the outlying communities as well as Kirkuk, and it dramatically kicks up the generation capacity.

So I went to see where the money went that would build the infrastructure of Iraq. And I saw renovated swamps. I saw sewer plants and lines that have been constructed. This generation that is here, I am watching them as they are constructing, not exactly a refinery, but it is a preliminary process to, I think, take the sulfur out of the oil that is there. I have watched work around that country, and I have watched the spirit of the people. And then from Kirkuk, we flew across in Black Hawks down to Baghdad across that vast open space and arrived in Baghdad.

We had to push and hurry because I was scheduled to meet with the Iraq Chamber of Commerce. I did not think about Iraq as having a chamber of commerce, and they are affiliated with the Americans in a way; so I believe they call it the American-Iraq Chamber of Commerce in Baghdad. They asked me if I would give a speech.

Yes, I will do that, but where is my interpreter?

Well, you do not need one because these people all speak English.

And I thought that was kind of a telling thing, and there were, I think, 56 of them there, somewhere between 55 and 60 Iraqi business people that are members of the chamber of commerce that want to do business. They want to get free enterprise going, and they just want to have a chance. The message that I carried to them was a message that America is not going to be the economic salvation for Iraq. Iraqis are going to be the economic salvation for them. They are going to need to build those traditions of free enterprise. They are going to have to build the institutions of business that go along with this free enterprise structure and culture that we have in the United States of America.

They have got a great start if that many of them can communicate with the rest of the world through a common form of communication currency called English. But they have got a lot of cultures to establish. If the manager of the port city down near Al Basrah does not understand the equation between gross receipts less expenses equals net income, it does not mean he is not a good manager. It just means

that there is a blank space in their upbringing, and I want to see the free enterprise culture established and grow. We can use American business people over there.

The security part is the part that I have the least amount of advice for because we have the highest degree of professionals that are there providing security. Soldier after soldier, when I looked them in the eye, I came back from that country, my third trip over there, more confident than ever in the job that they are doing and the security that is being provided. I believe that because of the National Guard and our Reservists, added to our active duty personnel, the people that have more experience than most, that bring their professionalism with them, I believe that we have fielded a military here of the highest quality of people ever to go to war, and that is our soldiers that are over there who are putting their lives on the line.

General Casey said something that I think we need to remember, and that was, "The enemy cannot win if the politicians stay in the fight," and I believe that he meant the politicians here on the floor of Congress, Mr. Speaker. I believe he meant the House and the Senate. I believe he meant the people who believe, that are setting up quasiforeign policy, the people that the enemy are listening to. We need to send a solid message over to them: we stay in the fight here; the Iraqis stay in the fight there.

As the politicians and the military, we will have 200,000 in uniform by next spring, and they are leading the battle over there; and Americans are stepping back. And we have handed over a base now to the control of the Iraqi troops. Signs are positive. The free enterprise side is coming along. They will get a constitution ratified. When they do, they can sign a contract to develop that oil. When they develop that oil, that money will come into their coffers, and they can develop their country. That is the formula for success in Iraq.

I appreciate the gentleman from Indiana (Mr. PENCE) yielding to me, and I appreciate his leadership on this; and I look forward to the day that we can celebrate a victory in Iraq.

Mr. PENCE. Mr. Speaker, reclaiming my time, I thank the gentleman for his tireless efforts to see firsthand. This is a congressman from Iowa who, when there are controversies in the Federal courts, is on the steps of the courthouse. I know for a fact this weekend that he was in a Black Hawk helicopter flying over New Orleans and dining and supping with the people that are dealing with Hurricane Katrina. For him to be here tonight to add this critical, important dimension, as the gentleman from Texas (Mr. HENSARLING), whom I will yield to in a moment, and I were there focusing on the security in the Sunni Triangle, for him to come here and add to the record tonight that in realtime in the last several weeks the

investment the American people are making in reconstructing this country is working. It is having its good effect. An Iraqi chamber of commerce is not something we are seeing on the CBS Evening News, but it is happening; and I am grateful to the gentleman from Iowa for bringing that perspective to bear and just for being who he is.

Mr. Speaker, I yield to the gentleman from Texas (Mr. HENSARLING) for any closing remarks he might have.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to say that I have been privileged to have a number of profound moments in my life; but I have to tell the Members, Mr. Speaker, one of the most profound moments I had was traveling to Baghdad, traveling to these military installations, meeting with our brave men and women, and reaching into my wallet, Mr. Speaker, and pulling out this very small photo of my two children, and looking these privates and corporals and sergeants in the eye and saying, Thank you. Thank you for what you do to keep my little 3½-year-old Melissa and my almost-2-year-old Travis alive in a safer, more secure America. And having them pull out photos of their children and having them tell me how they know how important it is that they fight for their families many, many thousands of miles away.

That was a profound moment in my life because, Mr. Speaker, I still do not know if the American people realize what the threat is. There are terrorists who have sworn publicly. This is not hyperbole. This is not exaggeration. They have said on the record they want to kill our children. It is that serious. They want to get their hands on weapons to attack and annihilate Western Civilization as we know it. This is their aim.

Mr. Speaker, the insurgents have proven very adept at taking innocent human life. They are very good at it. But what they have not proven adept at is halting this occasionally slow, awkward, clumsy, but inexorable, march towards democracy in Iraq. They have not stopped it, Mr. Speaker. People show up. They brave bombs and bullets to cast their ballots. And as we help this democracy flourish in Iraq, not only are we helping this people in this great and wonderful civilization. More importantly, we are making America safer and more secure. And that is what it is all about, Mr. Speaker.

Mr. PENCE. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

I cannot add to that closing, but will simply repeat, Mr. Speaker, we are winning the war in Iraq. And, Mr. Speaker, to anyone who is listening in tonight to hear the passion of the gentleman from Texas (Mr. HENSARLING), to hear the progress on the ground on civil society that the gentleman from Iowa (Mr. KING) described and to hear

about these soldiers and our effectiveness, we have never lost a military engagement in 4 years with this enemy. We have never lost so much as a platoon. We are taking the enemy down at a rate of 30 to one that they are taking down our military personnel. That all spells victory. We are winning in Iraq.

But let me leave with one image. As we flew over Baghdad and over Ramadi, 150 feet off the deck, Black Hawk helicopters flanked by Apache helicopters, really scary-looking aircraft, I lost count of the number of men and women and little boys and little girls running from their homes and waving at our helicopter as we sped by.

And then what broke my heart was to see the helmeted soldier take one hand off that enormous 50 caliber machine gun and extend a gloved hand hurriedly out of the helicopter to wave back to those children and men and women. They were running towards the American helicopters. They were waving at the American soldier.

This was not a put-up job for some politicians flying through Baghdad. It was hundreds and hundreds and hundreds of people in Baghdad and Balad and Ramadi throughout the Sunni Triangle who were giving the thumbs up in a wave of friendship to their liberators, to the people who are fighting and sacrificing and succeeding in bringing them freedom and stability, which they so richly deserve.

With that I thank the gentleman from Iowa (Mr. KING) and the gentleman from Texas (Mr. HENSARLING) for joining me tonight. And I close with the thought we are winning the war in Iraq. Never doubt that.

TWO DAYS IN IRAQ

(By Representative Mike Pence)

SEPT. 6, 2005.—Our two days in Iraq began with a prayer and a brief reading from Psalm 91. After a short delay caused by an engine failure, we lifted off in the cargo hold of a C-130 aircraft filled with soldiers and materials returning to Operation Iraqi Freedom. On the faces of the soldiers we met aboard the aircraft, most of whom were returning from leave, was the evident anxiety of men returning to battle and sober determination. I overheard one soldier tell a colleague, "I'm here for my family, my kids and my grandkids . . . so they don't have to deal with these guys."

Upon arriving at Baghdad airport, we donned the helmets and body armor that would be our wardrobe for the duration of our stay and climbed aboard a Blackhawk helicopter, destination Phoenix Base, Green Zone, Baghdad.

The copters moved fast and low across the landscape of this city of several million. Different from my visit to Baghdad in 2004 when the streets were barren, the city sweeping past me below our helicopter was filled with people bustling about and large roads filled with traffic. The city of Baghdad is no longer the deserted war zone I saw before. Despite the violence of insurgents, Baghdad is alive again.

We landed at Phoenix Base in the Green Zone and attended meetings with the American Commander and the American Ambassador for situation reports. In our previous meetings in Qatar, the diplomatic and military authorities spoke of steady progress and a determined enemy, but there was no hint

of defeatism or pessimism. As we learned of over 100 Iraqi Battalions deployed with American forces, schools, basic services, agriculture, one is left with the sense that our folks in Baghdad have a plan and are working the plan 24/7. As one soldier told me, "defeat the enemy, rebuild the country and give it back to the Iraqis."

From our meetings with American leaders, we boarded our motorcade for meetings with the Prime Minister of Iraq and the Ministers of Defense and Interior, three of the most important leaders to the present and future of Iraq.

Prime Minister Jaafari greeted us in a formal setting and spent the first 15 minutes expressing the heartfelt condolences of the people of Iraq for the loss of life in Hurricane Katrina. He seemed most determined to convey that the insurgents engaged in violence do not represent the feelings of the people of Iraq. I asked him, "Who is the enemy?" and he replied with a litany referring to Beirut in 1983, 9-11, Sharm El Sheik, as all the work of "the terrorists." He actually seemed slightly indignant about the question . . . as though anyone, with any common sense, would see that the enemy in Iraq is simply "terrorists."

In our meetings with two government leaders, two moments stood out. The Minister of Interior, a studious, bearded man, said the greatest challenge he faced was "changing the culture of authoritarianism" that followed the repressive history of Iraq. As we walked out, he and I spoke further about this point and I was moved by his ambition for his people to live under a just system of law and not of men.

The other moment came when another Congressman asked the Minister of Defense, "what neighboring nation represents the greatest challenge to peace within Iraq?" to which he replied, "all of them" then added, "Kuwait is ok." It was an illuminating moment. I will never forget that this new Iraq is, with one exception, floating in a sea of authoritarian regimes with long histories of association with terror among their people and their governments.

Our helicopters set us down at ground zero for American forces in Baghdad: Camp Liberty-home of the legendary 3rd Infantry Division under the Command of General Mark O'Neill. As we learned earlier, most of the terrorist violence in Iraq is taking place in 4 of the 18 provinces . . . all 4 are in the area under the control of the 3rd ID. But Gen. O'Neill, a thick-necked warrior with the mind of a CEO, said, "Hey, it's what we do sir and we're glad to do it . . . we gotta stop these guys right here."

After getting an update on action and progress, we headed to dinner with the troops including Evansville native Sgt. Dave Newland. Dave is part of force protection for the 3rd ID and is approaching 20 years and retirement but, from what he told me, there is no place he'd rather be. When I asked about the mission, he replied with a smile, "We need to be here sir." We spoke of home, of his plans to move to Washington, Indiana and work for Crane. We spoke of the White Steamer, a diner in Washington, which turned out to be his Dad's favorite stop and one of mine. For that time we were not what we are doing (soldier/congressman), we were just a couple of Hoosiers swappin' stories from home. I told him everybody back home was praying and was proud and he said quietly, "I know that, sir."

As our C-130 took off from Baghdad airport, I thought of the men of the 3rd ID. I thought of the mission. And I thought of Sgt. Dave Newland. By God's grace does this nation still produces men like that.

Day two began at 3:30 a.m. as we headed for a day that would take us to four American

bases in some of the most violent sectors of the "Sunni Triangle." First stop, Camp Caldwell, near the Syrian border which is home to the 278th of Tennessee. We were the first delegation of elected officials to ever visit this base and the soldiers seemed delighted to see us...especially Tennessee Congressman Lincoln Davis. When Lincoln presented the command group with a coin bearing the US Capitol and spoke of the time when these Tennessee Vols would "be a 'comin home," there wasn't a dry eye in the room.

It being Labor Day, the base had a picnic going on for soldiers off duty, so we made our way over to throw horseshoes and listen to blue grass music. I asked one soldier after another, "What would Labor Day be without havin' a bunch of politicians show up to spoil your picnic?!" While the atmosphere was festive, when I would ask "How ya doin?" or "How's everybody back home holdin' up?" one soldier after another would pause and get that far away look that you would expect from any soldier on a distant frontier. This unit has lost 12 men but defeated the enemy in every engagement. Their effort in training Iraqis has been so successful that their unit actually will not be replaced by American forces when they head home in a few months. Iraqis will take over Camp Caldwell. Mission Accomplished Tennessee.

Our Blackhawk helicopters and their Apache helicopter gunship escorts lifted off from Camp Caldwell at midday for the American airbase at Balad, another region of recent and intense insurgent activity. As we approached the base by air, I took note of a large column of black smoke billowing from the far end of the base. As we learned upon our arrival, at approximately 6 a.m. the base came under mortar attack by insurgents. While some equipment was damaged, as we learned later in the command center from a videotape replay, the enemy fared much worse.

Using our battlefield technology and real time intelligence, our forces identified where the mortar was fired and tracked 10 insurgents evacuating the area. With incredible precision, a hellfire missile scored a direct hit on the enemy as the eerie infrared video replay showed. The professionalism of these forces, young men and women who had to make split second decisions to save American lives, left most of us speechless.

We spent lunch with American soldiers in Balad at a huge mess hall while our colleague from Hawaii, Rep. Ed Case, held his own townhall meeting with the 29th National Guard out of Hawaii.

Our last stop of the day was Ramadi, the new home of the Anderson, Indiana based 138th Signal Battalion under the command of Captain Keith Paris of Marion, Indiana. Capt. Paris and Sgt. Matt Wright of Muncie met us at the landing zone and escorted us to the long, sand colored two-story building that these Hoosiers will call home for the next year. Capt. Paris is a determined professional whose patriotism, love of family and God exude from every pore of his body. In a short briefing in his modest 12x12 headquarters office, he explained how A Company was actually supplying all the real time communications for the ongoing battle in Ramadi, a city of some 500,000, that is the provincial capital of the west and a Sunni elite dominated area. Their sandbag reinforced and camouflaged operations are smack dab in the middle of a bustling base filled with moving tanks, armored vehicles and soldiers . . . and they all depend with confidence on the 138th.

Sgt. Matt Wright of Muncie was an impressive young married man who actually told me that his wedding was to have occurred the day before I arrived, but when word came

of his deployment to Iraq, he and his fiancée decided to move it up nine months to accommodate their devotion to each other and our nation.

On the way to the mess hall, we encountered a Marine unit of armored vehicles headed out for maneuvers. As we reached up and shook hands with one soldier after another, I heard a voice from atop a tank yell, "Hey, aren't you gonna say hi to a fellow Hoosier?!" I looked up to see the broad smile of redheaded Cpl. Ty Cotton of Anderson, Indiana. He reached down and shook my hand as a voice cried out, "5 minutes!". . . the time the unit would roll to its duties in Ramadi. I climbed up the side of the vehicle so we could talk over the din of engines and troop movements. He told me to say hello to his mom, Marla, back in Anderson and I told him I'd look in on her and tell her how good he looked. As the commanding officer yelled, "2 minutes!" I told him the folks back home were praying for him, proud and grateful for his service. As I climbed down the side of the combat vehicle, Ty smiled and said modestly, "Glad to do it, sir."

In the mess hall, the young men and women of the 138th joined me for dinner. I don't know what I expected to find among these troops but what I did find was good spirits, high morale, fitness and a matter of fact attitude about the work ahead. I asked about the war and many spoke of steady progress, even in Ramadi. One soldier who had already seen a year in theatre said, "It's gotten way better here in Ramadi from a year ago." They were confident Americans doing a hard job in a hard place, but no complaints.

Mostly they wanted to ask about home. We talked about Indiana's response to Hurricane Katrina. They were concerned about how the country was holding up after such a tragedy. In a war zone, working in 110-degree heat, sleeping behind sandbags and 8,000 miles from Mom, Dad, wife and kids . . . and they were worried about us. Where do we get men and women like these?

As our Blackhawk helicopters lifted off from Ramadi, I watched the sun set over this desert encampment on the front lines of the war on terror and I felt humbled by the men and women I saw, especially the Hoosiers of the 138th. I scribbled the names of the men and women I met and purposed to pray for them and their families until they return home . . . victorious, safe and sound.

And I felt more confident than ever that this war is just, the battle against terror is vital and the enemy can and will be defeated here and now. I believe that not because of the armor, the firepower or the technology that swept beneath me as we passed over one base after another. I believe that because I have looked into the eyes of the men and women fighting this war at every level, and their faith and courage has never and will never be defeated.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, in a continuing effort to combat the adverse effects that illegal immigration is having on the United States, I have introduced a concurrent resolution that expresses the sense of the Congress that the President should immediately and unequivocally call for the enforcement of existing immigration laws in order

to reduce the threat of a terrorist attack and to reduce the massive influx of illegal aliens into the United States.

□ 1845

I will summarize the text of that resolution without the whereas clauses.

A primary duty of the Federal Government is to secure the homeland and ensure the safety of the United States citizens and its lawful residents.

As a result of the attacks on this country on September 11, 2001, perpetrated by al Qaeda terrorists in the United States, the United States is engaged in a global war on terrorism.

Four years after those attacks, there is still a failure to secure the borders of the United States against illegal entry.

The failure to enforce immigration laws in the interior means that illegal aliens face little or no risk of apprehension or removal once they are in this country.

The Government of Mexico actively encourages illegal immigration into the United States by, among other things, publishing how-to books and urging State and local entities to accept the metricula consular as valid identification.

Granting amnesty to illegal aliens, or even proposing legislation or efforts for amnesty for illegal aliens, serves only to generate more illegal immigration.

If illegal aliens can enter and remain in the United States with impunity, so, too, can terrorists enter and remain while they plan, rehearse, and carry out their attacks.

The failure to control and to prevent illegal immigration into the United States increases the likelihood that terrorists will succeed in launching catastrophic or harmful attacks on United States soil.

Mr. Speaker, I believe that we should resolve four things.

First, that the President and the Secretary of Homeland Security should immediately use every tool available to them to secure the borders against illegal entry.

Second, the President should announce publicly that he will oppose any proposal to grant legal status or amnesty to illegal aliens and that he and the Secretary of Homeland Security will use every tool available to stop illegal immigration into the United States and to announce efforts for the removal of illegal aliens from the United States.

Third, the President and the Secretary of Homeland Security should seek the assistance of State and local law enforcement personnel in enforcing immigration laws, whether through formal agreements to cooperate or through the elimination of sanctuary policies.

Fourth, the President and the Secretary of State should warn Mexico that any further action it takes to encourage illegal immigration to the United States will be viewed as interference with our domestic laws, in vio-

lation of the Vienna Convention on Consular Relations.

Mr. Speaker, I would like to close by reemphasizing how important it is for the position of this body and this government to say “no” to illegal immigration, to say “no” to amnesty. When amnesty occurs or is expected to occur, the floodgates are wider and more open for illegal aliens and those who might harm this country. Our future will be much safer and more secure if we will secure our borders and stop illegal immigration and give a resounding “no” to any amnesty policy.

RECESS

The SPEAKER pro tempore (Mr. DENT). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2116

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 9 o'clock and 16 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 437, ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109-221) on the resolution (H. Res. 439) providing for consideration of the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109-222) on the resolution (H. Res. 440) providing for consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates

he had approved and signed bills and joint resolutions of the following titles:

June 29, 2005:

H.R. 483: An Act to designate a United States courthouse in Brownsville, Texas, as the “Reynaldo G. Garza and Filemon B. Vela United States Courthouse”.

H.R. 1812: An Act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

July 1, 2005:

H.R. 3021: An Act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

H.R. 3104: An Act to provide an extension of highway; highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 12, 2005:

H.R. 120: An Act to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the “Dalip Singh Saund Post Office Building”.

H.R. 289: An Act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the “Sergeant First Class John Marshall Post Office Building”.

H.R. 324: An Act to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the “Arthur Stacey Mastrapa Post Office Building”.

H.R. 504: An Act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the “Ray Charles Post Office Building”.

H.R. 627: An Act to designate the facility of the United States Postal Service located: at 40 Putnam Avenue in Hamden, Connecticut, as the “Linda White-Epps Post Office”.

H.R. 1072: An Act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the “Judge Emilio Vargas Post Office Building”.

H.R. 1082: An Act to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the “Francis C. Goodpaster Post Office Building”.

H.R. 1236: An Act to designate the facility of the United States Postal Service located at 750. 4th Street in Sparks, Nevada, as the “Mayor Tony Armstrong Memorial Post Office”.

H.R. 1460: An Act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the “Captain Mark Stubenhofer Post Office Building”.

H.R. 1524: An Act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the “Ed Eilert Post Office Building”.

H.R. 1542: An Act to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the “Honorable Judge George N. Leighton Post Office Building”.

H.R. 2326: An Act to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the “Floyd Lupton Post Office”.

July 20, 2005:

H.R. 3332: An Act to provide an extension of highway, highway safety, motor carrier

safety, transit, and other programs funded out of the highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 1, 2005:

H.R. 1001. An Act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building".

July 22, 2005:

H.R. 3377. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 27, 2005:

H.R. 3071. An Act to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term.

H.J. Res. 52. An Act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

July 28, 2005:

H.R. 3453. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 30, 2005:

H.R. 3512. An Act to provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

August 1, 2005:

H.R. 3423. An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.

August 2, 2005:

H.R. 38. An Act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.

H.R. 481. An Act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

H.R. 541. An Act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

H.R. 794. An Act to correct the south boundary of the Colorado river Indian Reservation in Arizona, and for other purposes.

H.R. 1046. An Act to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming.

H.R. 2361. An Act making appropriations for the the Department of the Interior, environment, and related agencies for the fiscal year ending September 30., 2006, and for other purposes.

H.R. 2985. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3045. An Act to implement the Dominican Republic-Central America-United States Free Trade Agreement.

H.J. Res. 59. An Act expressing the sense of Congress with respect to the establishment of an appropriate day for the commemoration of the women suffragists who fought for and won the right of women to vote in the United States.

August 8, 2005:

H.R. 6. An Act to ensure jobs for our future with secure, affordable, and reliable energy.

August 10, 2005:

H.R. 3. An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

August 11, 2005:

H.R. 1132. An Act to provide for the establishment of a controlled substance monitoring program in each State.

September 2, 2005:

H.R. 3645. An Act making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

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

June 29, 2005:

S. 643. An Act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

July 9, 2005:

S. 714. An Act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

July 12, 2005:

S. 1282. An Act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

July 9, 2005:

S. 544. An Act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

August 2, 2005:

S. 45. An Act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

S. 571. An Act to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building".

S. 775. An Act to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the "Boone Pickens Post Office".

S. 904. An Act to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building".

S. 1395. An Act, to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARTON of Texas (at the request of Mr. DELAY) for today and September 15 on account of the birth of Jack Kevin Barton.

Mr. ROYCE (at the request of Mr. DELAY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. PAUL, for 5 minutes, September 15.

Mr. HULSHOF, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. WATT, for 5 minutes, today.

Mr. GOODE, for 5 minutes, today.

ADJOURNMENT

Mr. DREIER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, September 15, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

3868. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation, "To amend the Cooperative Forestry Assistance Act to authorize the Secretary of Agriculture to provide certain financial assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau"; to the Committee on Agriculture.

3869. A letter from the Secretary, Federal Trade Commission, transmitting the Twenty-Seventh Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

3870. A letter from the Secretary of the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 16-226, "Sense of the Council in Favor of Fair Compensation Resolution of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3871. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form

and Content Reports for the third quarter of FY 2005 as prepared by the U.S. General Services Administration; to the Committee on Government Reform.

3872. A letter from the Acting Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3873. A letter from the Librarian of Congress, Library of Congress, transmitting the Annual Report of the Library of Congress, for the fiscal year ending September 30, 2004, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

3874. A letter from the Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan under the Indian Tribal Judgement Funds Act, 25 U.S.C. 1401et seq., for the use and distribution of the settlement funds to the Confederated Tribes of the Warm Springs Reservation (Tribes); to the Committee on Resources.

3875. A letter from the Acting Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Framework Adjustment 1 to the Atlantic Deep-Sea Red Crab Fishery Management Plan [Docket No. 050510127-5190-02; I.D. 050305D] (RIN: 0648-AS35) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3876. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's 2004 report to Congress on the "The Status of U.S. Fisheries"; to the Committee on Resources.

3877. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 08045C] received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3878. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #4 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 072205G] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3879. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 072205F] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3880. 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 Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Trip Limit Reduction for Gulf of Mexico Grouper Fishery [Docket No. 050209033-5033-01; I.D. 071505C] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3881. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #2 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D.072205E] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3882. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D.071505B] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3883. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2004 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3884. A letter from the Secretary of the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 16-225, "Sense of the Council in Favor of the Renewal of the Voting Rights Act of 1965 Resolution of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the Judiciary.

3885. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a recommendation of the Army Corps of Engineer's plan to deepening and widening of a section Jackson Harbor, Florida; to the Committee on Transportation and Infrastructure.

3886. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP Tampa 05-093] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3887. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP Tampa 05-095] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3888. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Albert Whitted Air Show; Tampa Bay, FL [COTP Tampa 05-027] (RIN: 1625-A00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3889. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River Mile Marker 50.0 to Mile Marker 187.0, IL [COTP St. Louis-05-001] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3890. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3891. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Pass, Sabine, TX [COTP Port Arthur-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3892. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3893. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Pass, Sabine, TX [COTP Port Arthur-05-008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3894. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Port Neches, TX [COTP Port Arthur-05-009] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3895. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal; Port Arthur, TX [COTP Port Arthur-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [COTP San Diego 05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3897. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Napa River, California [COTP San Francisco Bay 05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3898. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Las Mareas Bay, Guayama, Puerto Rico [COTP San Juan 05-046] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3899. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, 500 feet North and South of Mile Marker 103.2, in the vicinity of the Jackson Street Bridge, Pineville, LA [COTP New Orleans-05-026] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3900. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jefferson Parish, 4 Nautical Miles West of Barataria Pass, extending from the North Shore of Hackberry Bay to the South Shore

of West Champagne Bay, in the vicinity of Mendicant Island, LA [COTP New Orleans-05-027] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3901. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Louis Bay, Bay St. Louis, MS [COTP New Orleans-05-028] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3902. A letter from the Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River, Mile Markers 124.0 to 125.0, Clarksville, TN [COTP Ohio Valley-05-001] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3903. A letter from the Deputy Director, Bureau of Transportation Statistics, Department of Transportation, transmitting the Transportation Statistics Annual Report 2004, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

3904. A letter from the Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Council Bluffs, IA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

3905. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 071205A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3906. A letter from the Chairman, United States International Trade Commission, transmitting the Commission's report entitled, "The Year in Trade 2004: Operation of the Trade Agreements Program," prepared in conformity with Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

3907. A letter from the Deputy Associate Administrator for Congressional Relations, Environmental Protection Agency, transmitting two proposed bills to amend the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); jointly to the Committees on Agriculture and Energy and Commerce.

3908. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's report on the impacts of the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, pursuant to Public Law 108-188, section 104(e)(8); jointly to the Committees on Resources and International Relations.

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. DREIER: Committee on Rules. House Resolution 437. Resolution to establish the

Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Rept. 109-220 Pt. 1). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 439. Resolution providing for the consideration of the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Rept. 109-221). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 440. Resolution providing for the consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes and providing for consideration of motions to suspend the rules (Rept. 109-222). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on House Administration discharged from further consideration. House Resolution 437 referred to the House Calendar and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KUCINICH (for himself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Ms. CARSON, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Mr. EVANS, Mr. FALOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. RAHALL, Mr. RANGEL, Mr. RYAN of Ohio, Mr. SABO, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 3760. A bill to establish a Department of Peace and Nonviolence; to the Committee on Government Reform, and in addition to the Committees on International Relations, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. MARCHANT, Mr. JINDAL, Mr. BAKER, and Mr. ALEXANDER):

H.R. 3761. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself, Mr. MARKEY, Mr. PLATTS, Mr. LEWIS of Georgia, Mr. KIRK, Mr. MENENDEZ, Mr. GILCHREST, Ms. ESHOO, Mr. BART-

LETT of Maryland, Mr. MILLER of North Carolina, Mr. LEACH, Mr. OLVER, Mr. SHAYS, Mr. CARDOZA, Mr. GERLACH, Ms. SOLIS, Mrs. JOHNSON of Connecticut, Mrs. CAPPs, Mr. LAHOOD, Mr. HINCHEY, Mr. JOHNSON of Illinois, Mr. PALLONE, and Mr. LOBIONDO):

H.R. 3762. A bill to require higher standards of automobile fuel efficiency in order to reduce the amount of oil used for fuel by automobiles in the United States by 10 percent beginning in 2016, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. OWENS, Ms. PELOSI, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Ms. DELAURO, Mr. MARKEY, Mr. HOLT, Mr. LEVIN, Mr. DOGGETT, Mr. GRIJALVA, Mr. ROTHMAN, Mr. STARK, Mr. FARR, Mr. INSLEE, Ms. WASSERMAN SCHULTZ, Mr. ANDREWS, Mrs. MCCARTHY, Mr. HINOJOSA, Mr. WU, Mr. NADLER, Mr. RYAN of Ohio, Mr. AL GREEN of Texas, Mr. MCDERMOTT, Mr. DEFazio, Mr. LANGEVIN, Mr. HONDA, Ms. LEE, Mr. KILDEE, Mrs. MALONEY, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. REYES, Mr. MICHAUD, Mr. SKELTON, Mr. RANGEL, Mr. ENGEL, Mr. FILNER, Mr. OBERSTAR, Mr. HIGGINS, Mr. VISCLOSKEY, Mr. LANTOS, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Ms. MATSUI, Mr. THOMPSON of Mississippi, Mr. SHERMAN, Ms. SLAUGHTER, Mr. DINGELL, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. SCOTT of Virginia, Mr. UDALL of Colorado, Mr. DICKS, Mr. JEFFERSON, Mr. RAHALL, Mr. MCGOVERN, Ms. WOOLSEY, Mr. UDALL of New Mexico, Mr. KANJORSKI, Mr. HOYER, Mr. MORAN of Virginia, Ms. BALDWIN, Mr. PETERSON of Minnesota, Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Mr. STUPAK, Mr. TIERNEY, Mr. BLUMENAUER, Ms. KAPTUR, Mr. RUSH, Mr. COSTELLO, Mr. SANDERS, Mr. SABO, Mr. BRADY of Pennsylvania, Mr. MENENDEZ, Mr. SCHIFF, Mr. OBEY, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mr. CARDIN, Mr. CARNAHAN, Mr. THOMPSON of California, Mr. GENE GREEN of Texas, Mr. COOPER, Mr. DELAHUNT, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HERSETH, Mr. EVANS, Mr. HINCHEY, Ms. SOLIS, Mr. LYNCH, Ms. LINDA T. SANCHEZ of California, Mrs. NAPOLITANO, Mr. ALLEN, Mr. TOWNS, Mr. PASCRELL, Mr. TAYLOR of Mississippi, Ms. BERKLEY, Mr. HOLDEN, Mr. BISHOP of New York, Mrs. JONES of Ohio, Mr. PALLONE, Mr. SNYDER, Ms. KILPATRICK of Michigan, Mr. COSTA, Mr. CLEAVER, Mr. ISRAEL, Ms. DEGETTE, Mr. DOYLE, Ms. ESHOO, Mr. MOLLOHAN, Mr. CONYERS, Mr. OLVER, Mr. BERMAN, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, Mr. LARSON of Connecticut, Ms. VELÁZQUEZ, Mr. McNULTY, Mr. RUPPERSBERGER, Mr. NEAL of Massachusetts, Ms. CARSON, Ms. NORTON, Mr. PRICE of Georgia, Mr. HASTINGS of Florida, Mr. EMANUEL, Mr. WEXLER, Mr. CAPUANO, Mrs. CAPPs, Ms. SCHWARTZ of Pennsylvania, Mr. WYNN, Ms. CORRINE BROWN of Florida, Mr. CHANDLER, Mr. FRANK of Massachusetts, Mr. BOSWELL, Mr. BECERRA, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, Mr. CARDOZA, Mr. BERRY, Mrs. LOWEY, Mr. PAYNE, Mr. LARSEN of Washington, Mr. STRICKLAND, Ms. ROYBAL-

ALLARD, Mr. SCOTT of Georgia, Mr. MATHESON, Mr. ORTIZ, Mr. POMEROY, Mr. MELANCON, Mr. WEINER, Mr. PRICE of North Carolina, Mr. BAIRD, Mr. KIND, Mr. SMITH of Washington, and Mr. KENNEDY of Rhode Island):

H.R. 3763. A bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida (for himself, Mr. MENENDEZ, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Ms. SLAUGHTER, Mr. DINGELL, Mr. MCGOVERN, Ms. MATSUI, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Mr. GORDON, Mr. LANTOS, Mr. LARSEN of Washington, Mr. RANGEL, Mr. SKELTON, Mr. SPRATT, Ms. VELÁZQUEZ, Mr. ACKERMAN, Mr. AL GREEN of Texas, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPs, Mr. CARDIN, Mr. CARNAHAN, Ms. CARSON, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. COSTA, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAULO, Mr. DICKS, Mr. DOGGETT, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HIGGINS, Mr. HINCHAY, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MARSHALL, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. THOMPSON of California, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SNYDER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Mr. CLAY, Mr. BOUCHER, Mr. FORD, Mr. DAVIS of Tennessee, Mr. DOYLE, Mr. UDALL of Colorado, Mr. BACA, Mr. CHANDLER, Ms. KAPTUR, Mr. NADLER, Mr. BECERRA, Mr. HINOJOSA, Mr. CUELLAR, Mr. STARK, Mr. TANNER, Mr. CAPUANO, Mr. SMITH of Washington, Mr. BERMAN, Mr. SALAZAR, Mr. TIERNEY, and Ms. HARMAN):

H.R. 3764. A bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future; to the Committee on Transportation and Infrastructure.

By Mr. BAIRD (for himself, Mr. DICKS, Mr. INSLEE, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. REICHERT, Mr. SMITH of Washington, Mr. HASTINGS of Washington, and Miss MCMORRIS):

H.R. 3765. A bill to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits; to the Committee on Transportation and Infrastructure.

By Mr. MARCHANT (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3766. A bill to simplify Federal procurement procedures for emergency and disaster relief, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Armed Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTERT (for himself, Mr. HYDE, Mr. EVANS, Mr. COSTELLO, Mr. GUTIERREZ, Mr. MANZULLO, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LAHOOD, Mr. WELLER, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mrs. BIGBERT, Ms. SCHAKOWSKY, Mr. JOHNSON of Illinois, Mr. KIRK, Mr. EMANUEL, Ms. BEAN, and Mr. LIPINSKI):

H.R. 3767. A bill to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building"; to the Committee on Government Reform.

By Mr. MCCRERY (for himself, Mr. JEFFERSON, Mr. BAKER, Mr. ALEXANDER, Mr. JINDAL, Mr. BOUSTANY, and Mr. MELANCON):

H.R. 3768. A bill to provide emergency tax relief for persons affected by Hurricane Katrina; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. EMANUEL, Mr. DOGGETT, and Mr. NEAL of Massachusetts):

H.R. 3769. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. CHOCOLA (for himself, Mr. VISCLOSKEY, Ms. CARSON, Mr. PENCE, Mr. BUYER, Mr. BURTON of Indiana, Mr. SODREL, Mr. HOSTETTLER, and Mr. SOUDER):

H.R. 3770. A bill to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building"; to the Committee on Government Reform.

By Mr. DAVIS of Kentucky (for himself, Mr. LEWIS of Kentucky, Mr. JEFFERSON, Mr. ENGLISH of Pennsylvania, and Mr. JINDAL):

H.R. 3771. A bill to allow certain coal exporters to directly claim a refund of the excise tax unconstitutionally imposed on coal exported by such exporters; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 3772. A bill to ensure that States do not issue driver's licenses or identification

cards to sex offenders unless the offenders are in compliance with all applicable registration requirements; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. ETHERIDGE, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MENENDEZ, Mr. OWENS, Mr. SERRANO, Mr. CROWLEY, Mr. CLEAVER, Mr. NADLER, Ms. WASSERMAN SCHULTZ, and Mr. DELAHUNT):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to reward those Americans who provide volunteer services in times of national need; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. JEFFERSON, and Mr. STARK):

H.R. 3774. A bill to provide for unemployment benefits for victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. KENNEDY of Rhode Island, Mr. LANGEVIN, and Mr. NEAL of Massachusetts):

H.R. 3775. A bill to provide for the update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize a special resources study to evaluate the suitability and feasibility of a national park unit within the Corridor, and for other purposes; to the Committee on Resources.

By Mrs. MYRICK (for herself and Mr. MCINTYRE):

H.R. 3776. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. PETERSON of Minnesota:

H.R. 3777. A bill to amend title 38, United States Code, to authorize additional compensation to be paid to certain veterans in receipt of compensation for a service-connected disability rated totally disabling for whom a family member dependent on the veteran for support provides care; to the Committee on Veterans' Affairs.

By Mr. SHAW (for himself, Mr. FARR, Mr. SHAYS, and Mr. PALLONE):

H.R. 3778. A bill to establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. BROWN of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPITO, Mr. CASE, Mr. FILNER, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. PETERSON of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. SOLIS, and Ms. WOOLSEY):

H.R. 3779. A bill to authorize the Secretary of the Interior to establish a commemorative trail route in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mrs. CAPPS, Ms. ESHOO, Mr. DEFAZIO, Mr. MCINTYRE, Mrs. DAVIS of California, Mr. LIPINSKI, Mr. HONDA, Ms. WOOLSEY, Mr. CASE, Ms. LINDA T. SÁNCHEZ of California, and Mr. STARK):

H.R. 3780. A bill to prohibit certain discriminatory pricing policies in wholesale motor fuel sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VISCLOSKEY:

H.R. 3781. A bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, Energy and Commerce, Small Business, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself, Mr. ROGERS of Michigan, Mr. MOORE of Kansas, Mr. BRADLEY of New Hampshire, Mr. BROWN of Ohio, Mr. SIMMONS, Mr. CROWLEY, Mrs. MCCARTHY, Ms. BEAN, Mr. CHANDLER, Mr. SPRATT, Mr. BOEHLERT, and Mr. FITZPATRICK of Pennsylvania):

H.R. 3782. A bill to prohibit price gouging of gasoline and diesel fuel in areas declared major disasters; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself, Mr. UDALL of New Mexico, and Mr. PEARCE):

H. Con. Res. 242. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. MEEHAN:

H. Con. Res. 243. Concurrent resolution expressing the sense of Congress that Billerica, Massachusetts, should be recognized as "America's Yankee Doodle Town"; to the Committee on Government Reform.

By Mr. DREIER:

H. Res. 437. A resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina; to the Committee on Rules, and in addition to the Committee on House Administration, 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. ROTHMAN (for himself and Mr. KIRK):

H. Res. 438. A resolution urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East; to the Committee on International Relations.

By Mr. CALVERT (for himself, Mr. BOEHLERT, Mr. DELAY, Mr. GORDON, Mr. UDALL of Colorado, Mr. CRAMER, Mr. WELDON of Florida, Mr. ADERHOLT, Mr. MCCAUL of Texas, Mr. FEENEY, Mr. EHLERS, Mr. WELDON of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. BARTLETT of Maryland, Ms. BORDALLO, Mr. HALL, Mr. ROHR-

ABACHER, Mr. BONNER, Mr. DREIER, Mr. COSTA, Mr. DAVIS of Tennessee, Mr. VAN HOLLEN, Mrs. DRAKE, Mr. CULBERSON, Mr. SMITH of Texas, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. DAVIS of California, Mr. BARTON of Texas, Mr. WYNN, Mr. BISHOP of Georgia, Mr. GONZALEZ, Mr. RUPPERSBERGER, Mr. MCGOVERN, Mr. MATHESON, Mr. GUTKNECHT, Mr. FORBES, Mr. CANNON, Mr. CARTER, Mr. SCOTT of Virginia, Mr. SODREL, Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. CONAWAY, Mr. KUCINICH, Mr. MOORE of Kansas, Ms. HARMAN, Mr. BRADY of Texas, Mr. CAPUANO, Mr. REYES, Mr. WOLF, Mr. BISHOP of Utah, Mr. REICHERT, and Mr. DOYLE):

H. Res. 441. A resolution to congratulate the National Aeronautics and Space Administration and the Discovery crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005. This historical mission represented a great step forward into the new beginning of the Second Space Age; to the Committee on Science.

By Mr. FOSSELLA:

H. Res. 442. A resolution honoring the Fordham University School of Law upon the occasion of its 100th Anniversary; to the Committee on Education and the Workforce.

By Mr. WALSH (for himself and Mr. UDALL of Colorado):

H. Res. 443. A resolution congratulating the United States Men's National Soccer Team on qualifying for the 2006 FIFA World Cup; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

169. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 05-1058 expressing support for the "25 By 25" initiative and promoting the increased production of renewable energy by the agricultural community; to the Committee on Agriculture.

170. Also, a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial 15 urging the Congress of the United States to provide returning veterans with the care and respect they deserve by ensuring that they are allowed up to 21 days of "decompression" time following combat duty to transition back into civilian life and workplace; to the Committee on Veterans' Affairs.

171. Also, a memorial of the Legislature of the State of Oregon, relative to House Joint Resolution 16 urging the Congress of the United States to establish capital funds for grants to veterans starting new businesses; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TIBERI introduced a bill (H.R. 3783) for the relief of Abraham Jaars, Delicia Jaars, and Grant Jaars; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 97: Mr. SAXTON.
 H.R. 226: Mr. KENNEDY of Minnesota and Mr. GILCHREST.
 H.R. 239: Mrs. BLACKBURN.
 H.R. 269: Mr. FOLEY.
 H.R. 276: Mr. INGLIS of South Carolina.
 H.R. 302: Mr. ROHRABACHER.
 H.R. 305: Mr. SULLIVAN.
 H.R. 314: Mrs. WILSON of New Mexico.
 H.R. 328: Mr. BOUCHER.
 H.R. 484: Mr. PLATTS.
 H.R. 582: Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mrs. MCCARTHY.
 H.R. 615: Mr. FORD, Mr. CUMMINGS, and Mr. RUSH.
 H.R. 745: Mr. KILDEE.
 H.R. 772: Ms. SCHWARTZ of Pennsylvania.
 H.R. 782: Mr. SHERMAN.
 H.R. 813: Mr. KIND and Mr. LYNCH.
 H.R. 823: Mr. SHAYS and Mr. PRICE of North Carolina.
 H.R. 838: Mr. CROWLEY.
 H.R. 1106: Mr. BOUCHER.
 H.R. 1120: Mr. ABERCROMBIE and Mr. PAS-TOR.
 H.R. 1200: Mr. EVANS and Mr. WYNN.
 H.R. 1202: Mr. KILDEE.
 H.R. 1217: Mr. PASCRELL and Ms. BEAN.
 H.R. 1245: Mr. OXLEY, Mr. SMITH of Wash- ington, and Mr. CAMP.
 H.R. 1246: Mr. ROGERS of Alabama, Mr. LARSEN of Washington, Ms. BEAN, Mrs. JONES of Ohio, Mr. NEAL of Massachusetts, and Mr. GILLMOR.
 H.R. 1272: Mr. CANTOR.
 H.R. 1298: Mr. SULLIVAN and Mr. GENE GREEN of Texas.
 H.R. 1306: Mr. MEEKS of New York, Mr. LEWIS of Kentucky, and Mrs. JO ANN DAVIS of Virginia.
 H.R. 1355: Mr. MCCOTTER.
 H.R. 1376: Mr. STARK, Mr. ROTHMAN, Mr. MCNULTY, Mr. FERGUSON, Mr. CASE, and Mr. FRELINGHUYSEN.
 H.R. 1402: Mrs. WILSON of New Mexico.
 H.R. 1409: Mr. WATT.
 H.R. 1445: Mrs. BLACKBURN.
 H.R. 1457: Mr. CASE.
 H.R. 1471: Ms. SCHWARTZ of Pennsylvania, Mr. KENNEDY of Rhode Island, Mr. AL GREEN of Texas, and Mr. HOLT.
 H.R. 1558: Mr. GILCHREST, Mr. SESSIONS, Mrs. TAUSCHER, Mr. MILLER of North Carolina, Mr. EVANS, and Mr. KIRK.
 H.R. 1688: Mr. EVERETT.
 H.R. 1704: Mrs. MYRICK.
 H.R. 1822: Mr. MOORE of Kansas.
 H.R. 1864: Mr. ANDREWS and Mr. CUMMINGS.
 H.R. 1898: Mr. CANTOR, Ms. PRYCE of Ohio, and Ms. GINNY BROWN-WAITE of Florida.
 H.R. 1951: Ms. BERKLEY.
 H.R. 1973: Mr. SMITH of New Jersey and Mr. MCCOTTER.
 H.R. 2051: Mr. MOORE of Kansas.
 H.R. 2177: Mr. GRAVES, Mr. PASTOR, and Mr. MARCHANT.
 H.R. 2181: Mr. LINDER.
 H.R. 2207: Mr. CROWLEY.
 H.R. 2231: Mr. PALLONE.
 H.R. 2358: Mr. CARNAHAN.
 H.R. 2389: Mr. CRAMER.
 H.R. 2421: Mr. REYES and Mr. SIMMONS.
 H.R. 2471: Mrs. BLACKBURN and Mr. OTTER.
 H.R. 2474: Mr. GORDON.
 H.R. 2511: Mr. PALLONE.
 H.R. 2512: Mr. SENSENBRENNER and Ms. SCHWARTZ of Pennsylvania.
 H.R. 2533: Mr. BOUCHER, Mr. EVANS, and Mr. ETHERIDGE.
 H.R. 2644: Mr. DAVIS of Illinois and Mr. RYUN of Kansas.
 H.R. 2662: Mrs. DAVIS of California.
 H.R. 2682: Mr. KENNEDY of Rhode Island.

H.R. 2694: Mr. COOPER.
 H.R. 2740: Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. GORDON, Mr. CASE, and Mr. RANGEL.
 H.R. 2741: Mr. CONYERS and Mr. CASE.
 H.R. 2742: Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. GORDON, Mr. CASE, and Mr. RANGEL.
 H.R. 2823: Mr. MCINTYRE.
 H.R. 2828: Mr. STARK.
 H.R. 2830: Mr. ISSA.
 H.R. 2842: Mr. MARCHANT.
 H.R. 2869: Mr. TIERNEY.
 H.R. 2990: Mr. DAVIS of Kentucky and Mr. GERLACH.
 H.R. 3008: Mrs. CAPITO.
 H.R. 3011: Mr. BROWN of South Carolina, Mr. LAHOOD, and Mr. MARCHANT.
 H.R. 3042: Mr. ABERCROMBIE and Mr. FRANK of Massachusetts.
 H.R. 3050: Mr. SHERMAN.
 H.R. 3061: Mr. HOEKSTRA.
 H.R. 3096: Mrs. JONES of Ohio.
 H.R. 3180: Mr. OTTER.
 H.R. 3187: Mr. KUCINICH, Mr. CASTLE, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. EHLERS, and Mr. BOEHLERT.
 H.R. 3255: Mr. DAVIS of Tennessee.
 H.R. 3267: Mr. PAYNE.
 H.R. 3301: Mr. SULLIVAN, Mr. ROSS, Mr. WELLER, Mr. ENGLISH of Pennsylvania, Mr. SHIMKUS, Mr. OTTER, Mr. FOLEY, and Mr. LEWIS of Kentucky.
 H.R. 3352: Mr. MCINTYRE.
 H.R. 3361: Ms. ESHOO.
 H.R. 3408: Mr. COSTELLO.
 H.R. 3409: Mr. PAUL.
 H.R. 3544: Ms. KAPTUR and Ms. SLAUGHTER.
 H.R. 3561: Mr. REYES, Mr. CROWLEY, Mr. CASE, and Mr. STARK.
 H.R. 3563: Mr. PASCRELL.
 H.R. 3565: Mr. BLUMENAUER.
 H.R. 3569: Mr. SANDERS, Ms. BALDWIN, and Ms. SCHWARTZ of Pennsylvania.
 H.R. 3576: Ms. LEE.
 H.R. 3588: Mr. PETERSON of Minnesota.
 H.R. 3612: Mr. RUPPERSBERGER and Mr. REYES.
 H.R. 3617: Mrs. LOWEY.
 H.R. 3622: Mr. GRAVES, Mr. BILIRAKIS, Mr. BEAUPREZ, and Mr. ALEXANDER.
 H.R. 3639: Mr. ACKERMAN, Mr. NADLER, Mrs. MCCARTHY, and Mr. ENGEL.
 H.R. 3659: Mr. HOLDEN and Mr. BISHOP of New York.
 H.R. 3662: Mr. MARSHALL.
 H.R. 3667: Mr. GARY G. MILLER of California, Mr. COSTA, Mr. STARK, Ms. HARMAN, Mr. THOMPSON of California, Ms. SOLIS, Mr. BACA, Mr. DANIEL E. LUNGREN of California, Ms. WATERS, Mr. HUNTER, and Mr. DOOLITTLE.
 H.R. 3671: Mr. GONZALEZ.
 H.R. 3683: Mr. RYUN of Kansas, Mr. REHBERG, Mr. DOOLITTLE, Mr. MCHUGH, and Ms. FOXX.
 H.R. 3690: Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, and Ms. BERKLEY.
 H.R. 3691: Mr. DANIEL E. LUNGREN of California.
 H.R. 3692: Mr. BISHOP of New York.
 H.R. 3697: Ms. HARMAN.
 H.R. 3699: Mr. DUNCAN.
 H.R. 3710: Mr. MCGOVERN and Mr. FRANK of Massachusetts.
 H.R. 3711: Mr. STARK, Mr. KENNEDY of Rhode Island, Mr. JEFFERSON, Mr. RANGEL, Mr. GRIJALVA, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, and Mr. GEORGE MILLER of California.
 H.R. 3712: Ms. LEE, Mr. PALLONE, and Mr. WEXLER.
 H.R. 3737: Mr. EHLERS, Mr. BOEHLERT, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. WELDON of Florida, and Mr. SHERWOOD.
 H.R. 3753: Mr. BISHOP of Utah, Mr. KLINE, Mr. LEWIS of Kentucky, Mr. NEUGEBAUER, Mr. TURNER, and Mr. HERGER.
 H. Con. Res. 108: Mr. PETERSON of Minnesota.

H. Con. Res. 173: Mr. BOEHLERT.
 H. Con. Res. 230: Mr. BURTON of Indiana and Mr. ENGLISH of Pennsylvania.
 H. Con. Res. 237: Mr. BISHOP of Georgia, Ms. FOXX, Mr. FRANK of Massachusetts, Mr. KIND, Mr. ROGERS of Alabama, Ms. WASSERMAN SCHULTZ, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. BILIRAKIS, Mrs. MUSGRAVE, and Ms. SOLIS.
 H. Con. Res. 238: Mr. LEACH, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. MEEKS of New York, Ms. LEE, Mr. ACKERMAN, Mr. CROWLEY, Mr. RUSH, Mr. CONYERS, Mr. HONDA, Mr. ENGEL, Mrs. CAPPAS, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. BERMAN, Mr. ISSA, Mr. SMITH of Washington, Ms. MCCOLLUM of Minnesota, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. WOLF, and Mr. ROHRBACHER.
 H. Res. 15: Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Ms. MOORE of Wisconsin, Mr. PEARCE, Mr. BILIRAKIS, Mr. LYNCH, Mr. CHANDLER, Mr. KENNEDY of Minnesota, Mr. LEWIS of Georgia, and Mr. CANNON.
 H. Res. 38: Mr. MCCOTTER.
 H. Res. 192: Mr. GRIJALVA and Ms. BALDWIN.
 H. Res. 323: Mr. DENT.
 H. Res. 325: Mr. OWENS and Mr. MEEKS of New York.
 H. Res. 375: Mr. MARKEY.
 H. Res. 388: Mr. FLAKE and Mr. WELLER.
 H. Res. 429: Mr. ORTIZ, Mr. MEEHAN, Mr. REYES, Mr. SNYDER, Mr. SKELTON, Mr. THOMAS, Mr. OSBORNE, Mr. JONES of North Carolina, Ms. ZOE LOFGREN of California, Mr. ROYCE, Mr. VISLOSKEY, Mr. BLUMENAUER, Mr. ROTHMAN, Mr. HEFLEY, Mr. WELDON of Florida, Mr. INSLER, Mr. COSTELLO, Mr. LYNCH, Mr. TIERNEY, Mr. SABO, Mr. OTTER, Mr. PAUL, Mr. EVANS, Ms. MATSUI, Mr. CROWLEY, Ms. BERKLEY, Ms. WATSON, Mr. WAXMAN, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. GENE GREEN of Texas, Mr. HAYES, Mr. GOODLATTE, Ms. HERSETH, Mr. UDALL of New Mexico, Mr. LARSON of Connecticut, Mr. HOYER, Ms. ESHOO, Mr. WU, Mr. KING of New York, Mr. DELAY, Mr. HUNTER, Mr. BLUNT, Mr. BARTON of Texas, Mr. SHADEGG, Mr. FEENEY, Ms. WOOLSEY, Ms. SCHAKOWSKY, and Mr. GEORGE MILLER of California.

PETITIONS, ETC.

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

66. The SPEAKER presented a petition of New York State Bar Association, relative to a resolution opposing adoption of U.S. House Resolution 97 and Senate Resolution 92; to the Committee on the Judiciary.

67. Also, a petition of City of Atlanta, Georgia, relative to Resolution 05-R-1079 urging the the Congress of the United States to conduct the appropriate due diligence and support the reauthorization of the key enforcement provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 889

OFFERED BY: Ms. LORETTA SANCHEZ OF CALIFORNIA

AMENDMENT No. 2: Page 25, line 15, strike "REPORT" and insert "REPORTS".

Page 25, line 16, strike "IN GENERAL." and insert "ADEQUACY OF ASSETS."

Page 26, after line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard's non-homeland security missions and homeland security missions, as those terms are defined in section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468). Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities of the Coast Guard.

H.R. 889

OFFERED BY: Ms. LORETTA SANCHEZ OF CALIFORNIA

AMENDMENT No. 3: Page 5, line 20, strike "45,500" and insert "50,000".

H.R. 889

OFFERED BY: Mr. FOSSELLA

AMENDMENT No. 4: At the end of title IV add the following:

SEC. . . VOYAGE DATA RECORDER REQUIREMENTS.

(a) AUTHORITY TO PRESCRIBE REGULATIONS.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"§ 3507. Voyage data recorders

"(a) The Secretary shall prescribe regulations that require that a passenger vessel described in section 2101(22)(D) carrying more than 399 passengers shall be equipped with a voyage data recorder approved in accordance with the regulations.

"(b) Regulations prescribed under subsection (a) shall establish—

"(1) standards for voyage data recorders required under the regulations;

"(2) methods for approval of models of voyage data recorders under the regulations; and

"(3) procedures for annual performance testing of voyage data recorders required under the regulations.

"(c) To implement this section and regulations prescribed under this section there is authorized to be appropriated to the Secretary \$1,500,000 each fiscal year."

(b) DEADLINE FOR REGULATIONS.—The Secretary (as that term is used in chapter 35 of title 46, United States Code) shall initiate the prescribing of regulations under section 3507(a) of title 46, United States Code, as amended by this section, by not later than 6 months after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"3507. Voyage data recorders."

H.R. 889

OFFERED BY: Mr. FOSSELLA

AMENDMENT No. 5: At the end of title IV add the following:

SEC. . . ENSURING RELIABLE MEDICAL TESTING OF VESSEL PILOTS.

(a) SUBMISSION OF ALL PHYSICAL EXAMINATIONS.—The head of the department in which the Coast Guard is operating shall revise section 10.709 of title 46, Code of Federal Regulations, to require that an individual to whom that section applies shall submit to the Coast Guard the results of all physical examinations of the individual.

(b) INCREASE IN PENALTIES FOR FALSIFICATION OF PHYSICAL EXAMINATION REPORT.—In

lieu of the penalties provided under section 1001 of title 18, United States Code, any person that violates that section in preparing any report on the findings of a physical examination of an individual to whom section 10.709 of title 46, Code of Federal Regulations, as revised under subsection (a), applies shall be fined under title 18, United States Code, and imprisoned for not more than 5 years.

H.R. 889

OFFERED BY: MR. MARKEY

AMENDMENT No. 6: In subtitle A of title IV, add at the end the following new section:

SEC. ____ SECURITY AND SAFETY REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) **SECURITY AND SAFETY REVIEW.**—The Commandant of the Coast Guard shall conduct a comprehensive security and safety review of the proposed construction, expansion, or operation of a waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships, including proposed shipping routes to or from the facility.

(b) **PREPARATION OF REPORT.**—Upon completion of a review under subsection (a), the Commandant of the Coast Guard shall prepare a report setting forth the results of the review and including any recommendations for measures that the Commandant believes are necessary to ensure the public safety and security of the proposed facility and the transportation routes to and from the facility, or to mitigate any potential adverse consequences.

(c) **RESULTS OF REVIEW.**—The Commandant of the Coast Guard shall provide to each Federal agency responsible for licensing, approval, or other authorization for the relevant construction, expansion, or operation, and to Congress, a report prepared under subsection (c), and shall also provide the information in such report, to the extent consistent with the protection of public safety and security, to affected State and local officials and the public.

(d) **REPORTS TO CONGRESS.**—

(1) **SUMMARY OF ACTIONS TAKEN.**—Not later than 6 months after a report is provided under subsection (d), the Commandant shall transmit a report to Congress summarizing any action taken by the facility owner or by any appropriate Federal or State agency in response to the Commandant's recommendations contained in such report. If no action has been taken to implement such a recommendation, the Commandant shall report on the reasons why no action has been taken, and shall include views on the failure to take the recommended actions.

(2) **IMPLEMENTATION STATUS REPORT.**—The Commandant shall transmit an additional implementation status report to Congress every 6 months until all of the recommendations contained in the Commandant's report prepared under subsection (c) have been implemented, or the Commandant concludes that implementation is no longer necessary and provides an explanation of the reasons for this determination.

(e) **REQUIREMENT FOR APPROVAL OF CONSTRUCTION OR EXPANSION OF URBAN LIQUEFIED NATURAL GAS FACILITIES.**—

(1) **REQUIREMENT.**—No person may construct or expand any urban waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships unless the Commandant of the Coast Guard has approved such construction or expansion. The Commandant shall not approve any such construction or expansion if, as a result of the review conducted pursuant to subsection (a), the Commandant determines that the proposed facility, or the expansion of the existing facility, would pose a substantial risk to public safety and security in light of the

potential loss of life and damage to property that could result.

(2) **CIVIL PENALTY.**—Any person who violates paragraph (1) shall be liable for a civil penalty in an amount not to exceed \$1,000,000 for each day of such violation.

(3) **SAVINGS CLAUSE.**—Except as provided in paragraph (1), approval under this subsection shall not affect any other requirement under law to obtain a license, approval, or other authorization for the construction, expansion, or operation of an offshore or waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships.

H.R. 889

OFFERED BY: MR. INSLEE

AMENDMENT No. 7: At the end of title IV add the following:

SEC. ____ REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.

(a) **REQUIREMENT.**—The Secretary of Homeland Security shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and that is above the baseline threat level under that system.

(b) **ELIGIBLE COSTS.**—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) **SUBJECT TO APPROPRIATIONS.**—The requirement to provide reimbursement under this section is subject to the availability of appropriations.

H.R. 889

OFFERED BY: MR. MARKEY

AMENDMENT No. 8: Add at the end the following new title:

TITLE—REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS

SEC. ____ 01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.

Section 70103(b)(2) of title 46, United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

“(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently

used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;

“(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility;”.

H.R. 889

OFFERED BY: MR. MARKEY

AMENDMENT No. 9: Add at the end the following new title:

TITLE—REQUIREMENTS FOR MARITIME TRANSPORTATION SECURITY PLANS AND ASSESSMENTS

SEC. ____ 01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.

Section 70103(b)(2) of title 46, United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

“(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;

“(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility;”.

SEC. ____ 02. REQUIREMENTS FOR UNITED STATES FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.

Section 70102(b) of title 46, United States Code, is amended—

(1) in paragraph (1)(C) by inserting after “contingency response,” the following: “chemicals or processes used by a facility that could be replaced with alternative chemicals or processes that could reduce the health, environmental or economic consequences associated with a transportation security incident in a manner that would not significantly impair the ability of the facility to conduct its business.”; and

(2) in paragraph (4) by striking “includes” and inserting “adequately addresses”.

SEC. ____ 03. REQUIREMENT FOR NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.

Section 70103(a)(2)(C) of title 46, United States Code, is amended by inserting before the period at the end the following: “, including special efforts, measures, or procedures required of any new proposed facility that could deter a transportation security incident or reduce the consequences of such an incident involving the facility”.

H.R. 889

OFFERED BY: MR. SOUDER

AMENDMENT No. 10: At the end of title IV add the following new section:

SEC. ____ ACQUISITION OF MARITIME REFUELING SUPPORT VESSEL FOR UNITED STATES DRUG INTERDICTION EFFORTS IN THE EASTERN PACIFIC MARITIME TRANSIT ZONE.

There are authorized to be appropriated \$25,000,000 for fiscal year 2006 and \$25,000,000

for fiscal year 2007 for the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the Department of State to purchase or lease a maritime refueling support vessel that is capable of refueling public vessels (as that term is defined in section 30101(3) of title 46, United States Code), and allied warships and vessels employed in support of United States drug interdiction duties in the Eastern Pacific maritime transit zone.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 11: At the end of title I add the following:

SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), \$60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

SEC. 211. OPERATION AS A SERVICE IN THE NAVY.

Section 3 of title 14, United States Code, is amended by striking “Upon the declaration of war or when” and inserting “When”.

SEC. 212. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina.

(b) ELIGIBLE PERSONS.—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, or Alabama on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimburse-

ment. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(2) TREATMENT OF PROCEEDS.—Any amounts received by the United States as proceeds of management or disposal of property by the Secretary under this subsection shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(e) QUALIFIED PROPERTY.—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, or Alabama that is owned and occupied, as a principal residence, by a person who is eligible under subsection (b).

(f) SUBJECT TO APPROPRIATIONS.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans—

(1) to provide road access to the site from Interstate Route 295; and

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

Amend section 405 to read as follows:

SEC. 405. REPORT.

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

In section 412 insert “of 1990” after “Oil Pollution Act”.

At the end of title IV add the following:

SEC. 413. DETERMINATION OF THE SECRETARY.

Section 70105(c) of title 46, United States Code, is amended—

(1) in paragraph (3) by inserting before the period “before an administrative law judge”;

and

(2) by adding at the end the following:

“(5) In making a determination under paragraph (1)(D), the Secretary shall not consider a felony conviction that occurred more than 7 years prior to the date of the Secretary’s determination.”.

SEC. 414. REPORT ON TECHNOLOGIES.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes an assessment of—

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

SEC. 415. MOVEMENT OF ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

“(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).”.

SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

“(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

“(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

“(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.”.

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking “or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” and inserting “or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title”.

SEC. 417. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Coast Guard \$400,000 to carry out an as-

essment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 418. HOMEPORT.

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that states whether the proposed facility would create an obstruction to navigation.

SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) MERCHANT MARINERS’ DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners’ document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners’ documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

SEC. 424. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard may not approve the security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

At the end of the bill add the following:

TITLE V—LIGHTHOUSES

SEC. 501. TRANSFER.

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the following National Forest System lands in the State of Alaska upon which are located any of the Coast Guard facilities described in subsection (b), and over improvements situated on such lands, is hereby transferred, without requirement for consideration, from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) FACILITIES DESCRIBED.—The facilities described in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—That area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) ELDRED ROCK LIGHT STATION.—That area described in the December 30, 1975, listing on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) MARY ISLAND LIGHT STATION.—That area described as the remaining National Forest System uplands within the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

(4) CAPE HINCHINBROOK LIGHT STATION.—That area described in the November 1, 1957, survey prepared for the Coast Guard, comprising approximately 57.4 acres.

(c) MAPS.—

(1) REQUIREMENT TO PREPARE.—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(2) CORRECTIONS AND MODIFICATIONS.—In preparing such maps, the Commandant of the Coast Guard, with the approval of the Secretary of Agriculture, may make corrections and minor modifications to the lands described or depicted to facilitate Federal land management. Such maps, as so corrected or modified, shall have the same effect as if enacted in this section.

(d) EFFECT OF TRANSFER.—The lands transferred to the Secretary of the department in which the Coast Guard is operating under subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be deemed transferred from and no longer part of the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

(e) TRANSFER OF LAND.—

(1) REQUIREMENT.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer to the Secretary of Agriculture, without consideration, any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System, if—

(A) the Secretary of the Interior cannot identify and select an eligible entity in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(2)) within 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w-7(c)(3)).

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.—The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) within 90 days after receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w-8) or other applicable surplus real property disposal authority.

(g) PRIORITY.—In selecting an eligible entity to which to convey, under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), land referred to in subsection (b), the Secretary of the Interior shall give priority to any eligible entity, as defined in section 308(e) of that Act (16 U.S.C. 470w-7(e)) that is the local government of the community in which the land is located.

SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.

(a) REQUIREMENT TO TRANSFER.—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration.

(b) EFFECTUATION OF TRANSFER.—A transfer under this subsection shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. Such transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)).

(c) RESERVATION FOR AIDS TO NAVIGATION.—As part of any transfer pursuant to this sub-

section, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATIONS.—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131), and section 703 of the Alaska National Interests Lands Conservation Act (94 Stat. 2418; 16 U.S.C. 1132 note), with respect to the property transferred under this subsection, the Secretary of Agriculture—

(1) may identify an eligible entity to be granted an easement or other special use authorization and, in doing so, the Secretary of Agriculture may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(1)); and

(2) may grant an easement or other special use authorization to an eligible entity, for no consideration, to approximately 31 acres as described in the map entitled "Tree Point Light Station," dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and National Monument resources;

(C) public safety; and

(D) such other terms and conditions deemed appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—In the event that no eligible entity is identified within 3 years after administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this subsection, or the easement or other special use authorization granted pursuant to subsection (d) is terminated or revoked, the Secretary of Agriculture may take such actions as are authorized by subsection 110(b) of the National Historic Preservation Act (16 U.S.C. 470h-2(b)).

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—Effective on the date of transfer of lands as provided in this subsection, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

SEC. 503. CAPE ST. ELIAS LIGHT STATION.

For purposes of section 416(a)(2) of Public Law 105-383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled "Cape St. Elias Light Station," dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.

(a) REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.—Any reservation of pub-

lic land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) DESCRIPTION OF LAND.—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and containing all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to subsection (f), administrative jurisdiction over the public land described in subsection (b), and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement.

(d) RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that is located on such land on the date of the enactment of this Act; or

(2) any other release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of the enactment of this Act.

(e) INCLUSION IN REFUGE.—

(1) INCLUSION.—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) ADMINISTRATION.—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and such other laws as apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

(f) MAINTENANCE OF NAVIGATION FUNCTIONS.—The transfer under subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;

(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for navigational purposes;

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

(4) the Coast Guard may, at any time, enter the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

TITLE VI—RESPONSE

SEC. 601. SHORT TITLE.

This title may be cited as the “Delaware River Protection Act of 2005”.

SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.”.

SEC. 603. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

“(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

“(i) \$1,550 per gross ton for an incident that occurs in 2005;

“(ii) \$1,900 per gross ton for an incident that occurs in 2006; or

“(iii) \$2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

“(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

“(i) \$1,350 per gross ton for an incident that occurs in 2005;

“(ii) \$1,500 per gross ton for an incident that occurs in 2006; and

“(iii) \$1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or”;

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking “\$10,000,000” and inserting “\$14,000,000”; and

(ii) in clause (ii) by striking “\$2,000,000” and inserting “\$2,500,000”.

(2) LIMITATION ON APPLICATION.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect imme-

diately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

“(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.”.

SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 605. SUBMERGED OIL REMOVAL.

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 701(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking “RIVERA,” and inserting “RIVERA and the T/V ATHOS I.”; and

(2) by adding at the end the following:

“SEC. 7002. SUBMERGED OIL PROGRAM.

“(a) PROGRAM.—

“(1) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

“(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

“(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

“(C) The development of techniques to detect and monitor submerged oil.

“(2) REPORT.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

“(3) FUNDING.—There is authorized to be appropriated to the Secretary of Commerce \$1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

“(b) DEMONSTRATION PROJECT.—

“(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

“(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard \$2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended

by inserting after the item relating to section 7001 the following:

“Sec. 7002. Submerged oil program.”.

SEC. 606. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the “Committee”).

(b) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the “Commandant”) completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) MEETINGS.—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay.

Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) **EXPENSES.**—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) **TERMINATION.**—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107-295) is amended—

(1) in section 407—

(A) in the heading by striking “**LOWER COLUMBIA RIVER**”; and

(B) by striking “\$987,400” and inserting “\$1,500,000”; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

“Sec. 407. Maritime fire and safety activities.”.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 12: At the end of title I add the following:

SECTION 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), \$60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

SEC. 211. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.

(a) **FINDINGS.**—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) **COMMENDATION, RECOGNITION, AND THANKS.**—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

SEC. 212. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina.

(b) **ELIGIBLE PERSONS.**—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, or Alabama on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) **REIMBURSEMENT AMOUNT.**—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) **TRANSFER AND DISPOSAL OF PROPERTY.**—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(e) **QUALIFIED PROPERTY.**—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, or Alabama that is owned and occupied, as a principal residence, by a person who is eligible under subsection (b).

(f) **SUBJECT TO APPROPRIATIONS.**—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 213. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

SEC. 214. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans—

(1) to provide road access to the site from Interstate Route 295; and

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

Amend section 405 to read as follows:

SEC. 405. REPORT.

(a) **IN GENERAL.**—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) **AREAS OF REVIEW.**—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

In section 412 insert “of 1990” after “Oil Pollution Act”.

At the end of title IV add the following:

SEC. 413. REPORT ON TECHNOLOGIES.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes an assessment of—

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

SEC. 414. MOVEMENT OF ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

“(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))).”

SEC. 415. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

“(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

“(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

“(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.”

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking “or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” and inserting “or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title”.

SEC. 416. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Coast Guard \$400,000 to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 417. HOMEPORT.

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

SEC. 418. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that states whether the proposed facility would create an obstruction to navigation.

SEC. 419. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

SEC. 421. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

SEC. 422. DETERMINATION OF NAVIGATIONAL IMPACT.

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of

March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

SEC. 423. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard may not approve the security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

SEC. 424. CAPE ST. ELIAS LIGHT STATION.

For purposes of section 416(a)(2) of Public Law 105-383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled “Cape St. Elias Light Station,” dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

At the end of the bill add the following:

TITLE V—RESPONSE

SEC. 501. SHORT TITLE.

This title may be cited as the “Delaware River Protection Act of 2005”.

SEC. 502. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.”

SEC. 503. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

“(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

“(i) \$1,550 per gross ton for an incident that occurs in 2005;

“(ii) \$1,900 per gross ton for an incident that occurs in 2006; or

“(iii) \$2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

“(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

“(i) \$1,350 per gross ton for an incident that occurs in 2005;

“(ii) \$1,500 per gross ton for an incident that occurs in 2006; and

“(iii) \$1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or”;

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking “\$10,000,000” and inserting “\$14,000,000”; and

(ii) in clause (ii) by striking “\$2,000,000” and inserting “\$2,500,000”.

(2) **LIMITATION ON APPLICATION.**—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) **ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.**—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

“(4) **ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.**—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.”.

SEC. 504. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 505. SUBMERGED OIL REMOVAL.

(a) **AMENDMENTS.**—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking “RIVERA,” and inserting “RIVERA and the T/V ATHOS I.”; and

(2) by adding at the end the following:

“SEC. 7002. SUBMERGED OIL PROGRAM.

“(a) **PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

“(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

“(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

“(C) The development of techniques to detect and monitor submerged oil.

“(2) **REPORT.**—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

“(3) **FUNDING.**—There is authorized to be appropriated to the Secretary of Commerce \$1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

“(b) **DEMONSTRATION PROJECT.**—

“(1) **REMOVAL OF SUBMERGED OIL.**—The Commandant of the Coast Guard, in conjunc-

tion with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

“(2) **FUNDING.**—There is authorized to be appropriated to the Commandant of the Coast Guard \$2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.”.

(b) **CLERICAL AMENDMENT.**—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

“Sec. 7002. Submerged oil program.”.

SEC. 506. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the “Committee”).

(b) **FUNCTIONS.**—

(1) **IN GENERAL.**—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the “Commandant”) completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) **MEETINGS.**—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) **MEMBERSHIP.**—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) **APPOINTMENT OF MEMBERS.**—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) **CHAIRMAN AND VICE CHAIRMAN.**—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) **PAY AND EXPENSES.**—

(1) **PROHIBITION ON PAY.**—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) **EXPENSES.**—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) **TERMINATION.**—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 507. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107-295) is amended—

(1) in section 407—

(A) in the heading by striking “**LOWER COLUMBIA RIVER**”; and

(B) by striking “\$987,400” and inserting “\$1,500,000”; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

“Sec. 407. Maritime fire and safety activities.”.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 13: At the end of Title IV add the following:

SEC. ____ Section 8103(b) of title 46, United States Code, is amended by adding the following paragraph at the end of that subsection:

“(4) Paragraph (1) of this subsection and Section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under Section 8101 or a member of the Stewards department, and do not perform watchstanding functions. However, such individuals must possess a transportation security card issued under Section 70105 of this title, when required.”

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 14: Add at the end of title IV the following:

SEC. ____ QUOTA SHARE ALLOCATION.

(a) **IN GENERAL.**—The Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implemented under section 801 of title VIII of division B of Public Law 108-199 is amended to require that—

(1) Blue Dutch, LLC, shall receive crab processing quota shares equal to 1.5 percent of the total allowable catch for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea C. opilio crab fishery; and

(2) the Program implementing regulations shall be adjusted so that the total of all crab processing quota shares for each fishery referred to in paragraph (1), including the amount specified in paragraph (1), equals 90 percent of the total allowable catch.

(b) **APPLICABILITY.**—Subsection (a) shall apply, with respect to each fishery referred to in subsection (a)(1), whenever the total allowable catch for that fishery is more than 2

percent higher than the total allowable catch for that fishery during calendar year 2005.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT No. 15: Add at the end of title IV the following:

SEC. ____ . ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) TREATMENT OF SECRETARY APPROVAL.—
(1) IN GENERAL.—Approval by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major Federal action for purposes of section 102(2) of the Public Law 91-190 (42 U.S.C. 4332(2)).

(2) DEFINITION.—(A) In this subsection, the term “community development plan” means a plan, prepared by a community development quota group for the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)), that describes how the group intends to—

(i) harvest its share of fishery resources allocated to the program; and

(ii) use the harvest opportunity, and any revenue derived from such use, to assist communities that are members of the group with projects to advance economic development.

(B) In this subsection, no plan that allocates fishery resources to the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is a “community development plan”.

H.R. 889

OFFERED BY: MR. INSLEE

AMENDMENT No. 16: At the end of title IV add the following:

SEC. ____ . REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.

(a) REQUIREMENT.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and

that is above the baseline threat level under that system.

(b) ELIGIBLE COSTS.—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to provide reimbursement under this section is subject to the availability of appropriations.